

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF GEORGIA  
3 GAINESVILLE DIVISION

4 UNITED STATES OF AMERICA ) DOCKET NO. 2:17-CR-05-RWS-JCF  
5 )  
6 ) GAINESVILLE, GEORGIA  
7 ) AUGUST 15, 2017  
8 V. )  
9 )  
10 WILLIAM CHRISTOPHER GIBBS, )  
11 )  
12 )  
13 DEFENDANT. )

14 TRANSCRIPT OF SUPPRESSION HEARING  
15 BEFORE THE HONORABLE J. CLAY FULLER  
16 UNITED STATES MAGISTRATE JUDGE  
17

18 APPEARANCES OF COUNSEL:

19 FOR THE GOVERNMENT: RYAN K. BUCHANAN  
20 OFFICE OF THE U.S. ATTORNEY  
21  
22 FOR THE DEFENDANT: NATASHA PERDEW SILAS  
23 FEDERAL DEFENDER PROGRAM  
24

25 COURT REPORTER: ANDY ASHLEY  
1949 U. S. COURTHOUSE  
75 TED TURNER DRIVE  
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PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY, TRANSCRIPT  
PRODUCED BY COMPUTER.

1 P R O C E E D I N G S

2 (GAINESVILLE, HALL COUNTY, GEORGIA; AUGUST 15, 2017  
3 IN OPEN COURT.)

4 THE COURT: ALL RIGHT. COURT CALLS 2:17-CR-5, UNITED  
5 STATES VERSUS WILLIAM CHRISTOPHER GIBBS. I'D ASK COUNSEL TO  
6 STATE YOUR APPEARANCES FOR THE RECORD.

7 MR. BUCHANAN: GOOD MORNING, YOUR HONOR. RYAN  
8 BUCHANAN FOR THE UNITED STATES. I'M JOINED AT COUNSEL TABLE BY  
9 KIMBERLY SPELL FOWLER, SPECIAL AGENT WITH THE FBI.

10 THE COURT: GOOD MORNING.

11 MS. PERDEW SILAS: GOOD MORNING, JUDGE. FOR WILLIAM  
12 CHRISTOPHER GIBBS, I AM NATASHA PERDEW SILAS.

13 THE COURT: GOOD MORNING, MS. PERDEW SILAS AND MR.  
14 GIBBS.

15 ALL RIGHT. WE'RE HERE ON A COUPLE OF DEFENDANT'S  
16 MOTIONS. THE GOVERNMENT HAS GOT SOME WORK TO DO TO DEVELOP A  
17 RECORD. SO I'LL TURN IT OVER TO MR. BUCHANAN.

18 MR. BUCHANAN: YOUR HONOR, THE DEFENDANT HAS FILED  
19 MOTIONS TO SUPPRESS ESSENTIALLY THREE THINGS. FIRST, THERE IS  
20 A STATEMENT THAT'S A RECORDED INTERVIEW POST-MIRANDA STATEMENT  
21 GIVEN BY MR. GIBBS. SO I HAVE SPECIAL AGENT CHRIS BOWER TO  
22 TESTIFY ABOUT THAT.

23 SECOND, THEY'VE MOVED TO SUPPRESS EVIDENCE DEVELOPED  
24 AT A TRAFFIC STOP THAT OCCURRED APPROXIMATELY TWO WEEKS BEFORE  
25 THE DEFENDANT WAS ARRESTED. THAT TRAFFIC STOP WAS EXECUTED BY

1 FANNIN COUNTY SHERIFF'S OFFICE DEPUTY JOHN KINSER, AND HE'LL  
2 TESTIFY ABOUT THE TRAFFIC STOP, SECOND.

3 THIRD, YOUR HONOR, THE DEFENDANT HAS MOVED TO  
4 SUPPRESS STATEMENTS THAT HE MADE TO THE MEDICAL FACILITY PRIOR  
5 TO HIS ARREST. I BELIEVE THAT'S A LEGAL ISSUE, SOMETHING WE  
6 CAN HANDLE ON THE PAPERS.

7 I TALKED WITH MS. SILAS THIS MORNING ABOUT A CFR, AND  
8 THAT CFR IS 45 CFR 164.512 LITTLE (J)(1)(I), AND THAT CFR  
9 ALLOWS A FACILITY COVERED BY HIPAA TO DISCLOSE TO A LAW  
10 ENFORCEMENT OFFICIAL REASONABLY ABLE TO PREVENT OR LESSEN A  
11 SERIOUS AND IMMINENT THREAT TO THE HEALTH OR SAFETY OF AN  
12 INDIVIDUAL OR TO THE PUBLIC.

13 IT'S THE UNITED STATES' POSITION, YOUR HONOR, THAT  
14 THAT PROVISION ALLOWS THE STATEMENT BY THE HEALTHCARE PROVIDER  
15 TO LAW ENFORCEMENT REGARDING THE BELIEF THAT MR. GIBBS HAD  
16 RICIN ON HIS PERSON OR MAYBE IN HIS POSSESSION WHEN HE CAME TO  
17 THE HOSPITAL. SO WE BELIEVE THAT'S A LEGAL MATTER, AND  
18 SOMETHING WE WILL HANDLE ON THE PAPERS, AND WE DON'T NEED  
19 TESTIMONY ON.

20 SO I'VE GOT TWO WITNESSES, SPECIAL AGENT BOWER FROM  
21 THE FBI, AND DEPUTY SHERIFF KINSER FROM FANNIN COUNTY. WITH  
22 THAT, YOUR HONOR, THE UNITED STATES WILL CALL SPECIAL AGENT  
23 CHRISTOPHER BOWER FROM THE FBI.

24 THE COURT: OKAY. MS. PERDEW SILAS IS STANDING. IT  
25 LOOKS LIKE SHE MAY WANT TO SAY SOMETHING ABOUT WHETHER WE NEED

1 PROOF ON THE LAST ISSUE. COULD YOU PLEASE COME UP TO THE  
2 LECTERN SO WE CAN PICK UP YOUR VOICE? THANK YOU.

3 MS. PERDEW SILAS: I MIGHT WANT TO CLARIFY IN MY  
4 MOTION I SOUGHT TO SUPPRESS ANY AND ALL STATEMENTS OF MR.  
5 GIBBS, AND THAT HE WAS TAKEN INTO CUSTODY ON FEBRUARY 2ND.

6 THE GOVERNMENT ALSO GAVE ME WHAT PURPORTS TO BE A  
7 SURVEILLANCE VIDEO, AND THE VIDEO JUST SHOWS A PARKING LOT.  
8 WELL, I REALIZED THAT I BELIEVE THAT THE GOVERNMENT'S PURPOSE  
9 IN GIVING THE VIDEO IS STATEMENTS THAT WERE MADE BY MR. GIBBS  
10 THAT WERE RECORDED BY A BODY CAM THAT WAS WORN BY A DEPUTY WHO  
11 WAS ON SITE AT THE HOSPITAL.

12 AND SO IT SEEMS LIKE, AND WE CAN DEVELOP THIS THROUGH  
13 THE SPECIAL AGENT PERHAPS, THAT THE MOMENT THAT HE ACTUALLY  
14 WENT INTO CUSTODY MAY HAVE BEEN AS EARLY AS HIS BASICALLY  
15 DISCHARGE FROM THE HOSPITAL WHICH WOULD HAVE BEEN AT THE TIME  
16 OF THOSE OTHER STATEMENTS.

17 MY MOTION DID SAY ANY AND ALL STATEMENTS. I DID NOT  
18 SPECIFY ABOUT THE HOSPITAL BECAUSE I ONLY RECENTLY REALIZED THE  
19 GOVERNMENT'S PURPOSE IN THE HOSPITAL SURVEILLANCE VIDEO SEEMS  
20 TO BE THE STATEMENTS THAT ARE RECORDED ON THAT BODY CAM, AND I  
21 WOULD CONTEND THAT HE WAS IN CUSTODY AT THAT TIME. IT APPEARS  
22 THAT HE WAS FROM THE PERSPECTIVE OF FROM THE MOMENT THAT HE'S  
23 DONE AT THE HOSPITAL HE NEVER SEEMINGLY IS FREE TO GO UNTIL --  
24 WELL NEVER.

25 THE COURT: OKAY. THANK YOU. I APPRECIATE THE ROAD

1 MAP, AND WE'LL ALLOW MR. BUCHANAN TO CALL HIS FIRST WITNESS.

2 MR. BUCHANAN: YOUR HONOR, THE UNITED STATES CALLS  
3 SPECIAL AGENT CHRISTOPHER BOWER.

4 THE CLERK: PLEASE RAISE YOUR RIGHT HAND TO TAKE THE  
5 OATH.

6 CHRISTOPHER JOHN BOWER,  
7 HAVING BEEN DULY SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

8 THE CLERK: IF YOU WILL HAVE A SEAT, PLEASE, AND  
9 STATE YOUR FULL NAME FOR THE RECORD AND SPELL YOUR LAST NAME  
10 ALSO.

11 THE WITNESS: CHRISTOPHER JOHN BOWER, B O W E R.

12 DIRECT EXAMINATION

13 BY MR. BUCHANAN:

14 Q. SPECIAL AGENT BOWER, HOW ARE YOU EMPLOYED?

15 A. I'M CURRENTLY EMPLOYED WITH THE FEDERAL BUREAU OF  
16 INVESTIGATION.

17 Q. AND HOW LONG HAVE YOU BEEN WITH THE FBI?

18 A. OVER SEVEN YEARS.

19 Q. AND WHAT TYPES OF CASES DO YOU WORK ON?

20 A. A WIDE VARIETY OF CASES. I WORK IN A RESIDENT AGENCY, SO  
21 I'M NOT ON A SPECIFIC SQUAD. I WORK WHITE COLLAR CRIME, DRUGS,  
22 GANGS, KIDNAPPINGS, BANK ROBBERIES, DOMESTIC TERRORISM,  
23 INTERNATIONAL TERRORISM, A WIDE VARIETY OF VIOLATIONS.

24 Q. YOU MENTIONED THAT YOU WORK FOR A RESIDENT AGENCY. PLEASE  
25 TELL JUDGE FULLER WHAT THAT MEANS?

1 A. THE DIVISION HEADQUARTERS IS IN ATLANTA, GEORGIA. WE HAVE  
2 SATELLITE OFFICES AROUND THE STATE CALLED RESIDENT AGENCIES. I  
3 WORK OUT OF THE DALTON RESIDENT AGENCY.

4 Q. AND SO IF YOU WORK UP IN DALTON, DO YOU SORT OF  
5 CONCENTRATE YOUR CASE LOAD ON THE CASES THAT DEVELOP AND ARISE  
6 OUT OF NORTH GEORGIA?

7 A. THAT'S CORRECT.

8 Q. AND DOES THAT INCLUDE FANNIN COUNTY?

9 A. YES, SIR.

10 Q. AND BLUE RIDGE, GEORGIA IS IN FANNIN COUNTY; IS THAT  
11 RIGHT?

12 A. YES, SIR, IT IS.

13 Q. AND WERE YOU WORKING FEBRUARY 2ND AND 3RD OF 2017?

14 A. YES, I DID.

15 Q. AND DO YOU REMEMBER SPECIFICALLY WHAT YOU WERE CALLED TO  
16 DO?

17 A. I RECEIVED A CALL FROM MY SUPERVISOR ABOUT A POSSIBLE WMD  
18 THREAT IN FANNIN COUNTY. I WAS SEVERAL HOURS AWAY NEAR MY  
19 RESIDENCE, SO IT TOOK ME A COUPLE OF HOURS TO GET OUT TO FANNIN  
20 COUNTY. I DIDN'T ARRIVE OUT THERE UNTIL PROBABLY AFTER NINE OR  
21 TEN P.M.

22 Q. AND WHAT'S A WMD?

23 A. A WMD IS A WEAPON OF MASS DESTRUCTION. THAT'S THE TERM  
24 FOR IT THAT THE FBI USES WMD.

25 Q. WHAT TYPE OF INFORMATION DID YOU HAVE ABOUT THIS POSSIBLE

1 WMD WHEN YOU LEFT HOME DRIVING TO FANNIN COUNTY?

2 A. THE ONLY INFORMATION I RECEIVED INITIALLY WAS THAT THERE  
3 WAS A REPORT THAT THERE WAS POTENTIAL RICIN, A RICIN INCIDENT  
4 IN FANNIN COUNTY, AND THAT'S ALL I REALLY HAD TO GO ON BEFORE I  
5 GOT IN THE CAR AND STARTED HEADING THAT WAY.

6 Q. AND DID YOU EVENTUALLY ARRIVE IN FANNIN COUNTY?

7 A. I DID.

8 Q. AND WHERE SPECIFICALLY DID YOU GO?

9 A. THE REGIONAL HOSPITAL THERE IN FANNIN COUNTY.

10 Q. AND ONCE YOU GOT TO THE FANNIN COUNTY REGIONAL HOSPITAL,  
11 WHAT DID YOU DO?

12 A. WELL, THERE OBVIOUSLY WERE A NUMBER OF AGENCIES ON SITE  
13 BEFORE I ARRIVED. THERE WERE SOME OTHER FBI AGENTS HAD ARRIVED  
14 BEFORE ME, AS WELL. AT THE TIME THE FANNIN COUNTY SHERIFF'S  
15 OFFICE HAD CONTROL OF THE SCENE AT THE HOSPITAL, AND THEY HAD  
16 HAZMAT UNITS THAT WERE EXAMINING A VEHICLE WHEN I ARRIVED.

17 Q. AND SO AFTER YOU GOT THERE, DID YOU LEARN WHO THE POSSIBLE  
18 SUSPECT WAS IN THIS INVESTIGATION?

19 A. INITIALLY, YES, I TALKED TO A FANNIN COUNTY SHERIFF'S  
20 OFFICE MEMBER AND GOT APPRISED OF THE SITUATION, THAT THEY HAD  
21 AN INDIVIDUAL WHO THOUGHT HE MAY HAVE BEEN CONTAMINATED WITH  
22 RICIN, AND THAT THE VEHICLE THE INDIVIDUAL HAD DRIVEN WAS THE  
23 ONE BEING EXAMINED IN THE PARKING LOT OF THE HOSPITAL.

24 WE WERE, THE FBI WAS STANDING BY TO AWAIT INITIAL  
25 TESTING BY THE HAZMAT UNIT TO SEE WHAT WE POTENTIALLY WERE

1 DEALING WITH.

2 Q. AND WHILE YOU WERE THERE, DID YOU ENCOUNTER MR. GIBBS?

3 A. I FIRST SAW MR. GIBBS AFTER THE INITIAL ANALYSIS FROM THE  
4 HAZMAT UNIT WAS ANNOUNCED OR RELAYED TO US.

5 Q. OKAY. AND WHAT DID THEY RELAY TO YOU?

6 A. MY RECOLLECTION IS THAT THEY HAD A POSITIVE TEST FOR THE  
7 RICIN ANTIBODY IN THE SUBSTANCE THAT WAS FOUND IN THE VEHICLE  
8 DRIVEN BY MR. GIBBS.

9 Q. AND ULTIMATELY THAT EVENING WAS MR. GIBBS ARRESTED?

10 A. HE WAS.

11 Q. AND DO YOU SEE MR. GIBBS IN COURT TODAY?

12 A. I DO.

13 Q. PLEASE IDENTIFY HIM BY AN ARTICLE OF CLOTHING THAT HE'S  
14 WEARING?

15 A. HE'S SITTING WITH THE YELLOW JUMPSUIT ON.

16 MR. BUCHANAN: YOUR HONOR, WE'D LIKE THE RECORD TO  
17 REFLECT THAT THIS WITNESS HAS IDENTIFIED THE DEFENDANT.

18 BY MR. BUCHANAN:

19 Q. AFTER MR. GIBBS -- HE WAS ARRESTED AT THE HOSPITAL; IS  
20 THAT CORRECT?

21 A. HE WAS TAKEN INTO CUSTODY BY FANNIN COUNTY AT THE  
22 HOSPITAL, YES, SIR.

23 Q. AND THEN WHERE WAS HE TAKEN NEXT?

24 A. HE WAS TAKEN TO THE SHERIFF'S -- WELL, HE WAS TAKEN TO THE  
25 SHERIFF'S OFFICE FROM THE HOSPITAL.



1 Q. AND WHEN HE WAS TAKEN FROM THE HOSPITAL TO THE SHERIFF'S  
2 OFFICE, WERE YOU IN THAT PROCESSION OF CARS THAT TRAVELED FROM  
3 THE HOSPITAL TO THE SHERIFF'S OFFICE?

4 A. YES, MY VEHICLE FOLLOWED THE PATROL CAR THAT TOOK HIM BACK  
5 TO THE SHERIFF'S OFFICE.

6 Q. AND ROUGHLY HOW LONG DID IT TAKE YOU TO GET FROM THE  
7 HOSPITAL TO THE SHERIFF'S OFFICE?

8 A. IT'S FIVE OR SIX MILES AWAY, SO IT'S MAYBE A TEN-MINUTE  
9 RIDE.

10 Q. AND AFTER YOU DROVE FROM THE REGIONAL HOSPITAL TO THE  
11 SHERIFF'S OFFICE, WAS MR. GIBBS PROCESSED BY THE SHERIFF'S  
12 OFFICE?

13 A. BRIEFLY, YES, SIR.

14 Q. AND APPROXIMATELY HOW LONG DID THAT TAKE?

15 A. FROM THE TIME WE ARRIVED AT THE SHERIFF'S OFFICE, PROBABLY  
16 LESS THAN 10 TO 15 MINUTES WE WERE SITTING DOWN TO TALK TO HIM.

17 Q. SO YOU MENTIONED THAT YOU SAT DOWN AND TALKED WITH HIM,  
18 DID YOU CONDUCT AN INTERVIEW?

19 A. YES, I DID.

20 Q. AND DO YOU REMEMBER ROUGHLY WHAT TIME THAT INTERVIEW  
21 STARTED?

22 A. IT STARTED A FEW MINUTES AFTER ONE A.M. ON THE 3RD OF  
23 FEBRUARY.

24 Q. AND WHO WAS PRESENT IN THAT INTERVIEW ROOM WITH YOU?

25 A. MR. GIBBS WAS THERE AND SPECIAL AGENT BENNIE JOHNSON OF

1 THE FBI WHO'S THE CASE AGENT FOR THIS CASE WAS ALSO PRESENT.

2 Q. WAS ANYBODY ELSE THERE?

3 A. NOT DURING THE INTERVIEW.

4 Q. SPECIAL AGENT BOWER, AT THE OUTSET OF THAT INTERVIEW, DID  
5 YOU, DID YOU AND SPECIAL AGENT JOHNSON ADVISE MR. GIBBS OF HIS  
6 MIRANDA RIGHTS?

7 A. WE DID.

8 Q. AND DO YOU REMEMBER HOW YOU DID SO?

9 A. SPECIAL AGENT JOHNSON TOOK THE FD-395, WHICH IS THE WAIVER  
10 OF RIGHTS FORM, HE EXPLAINED IT TO MR. GIBBS. HE HAD MR. GIBBS  
11 READ IT TO MAKE SURE HE UNDERSTOOD IT, AND THEN HE HAD MR.  
12 GIBBS INITIAL IT THAT HE UNDERSTOOD HIS RIGHTS, AND THEN MR.  
13 GIBBS SIGNED THE WAIVER OF RIGHTS AND AGREED TO TALK TO US.

14 Q. OKAY. I'M GOING TO SHOW YOU WHAT'S BEEN MARKED AS  
15 GOVERNMENT'S EXHIBIT 1. PLEASE TELL THE COURT WHAT THAT  
16 DOCUMENT IS?

17 A. IT'S AN FD-395, FEDERAL BUREAU OF INVESTIGATION ADVICE OF  
18 RIGHTS FORM.

19 Q. AND IS THAT THE FORM THAT SPECIAL AGENT JOHNSON PRESENTED  
20 TO MR. GIBBS PRIOR TO THAT INTERVIEW?

21 A. YES, SIR.

22 Q. AND YOU WERE PRESENT IN THAT ROOM, RIGHT?

23 A. I WAS PRESENT, YES, SIR.

24 Q. AND THE PLACES THAT ARE MARKED BESIDE EACH INDIVIDUAL  
25 RIGHT, DID MR. GIBBS PUT THOSE MARKS IN THOSE PLACES?

1 A. YES, SIR.

2 Q. AND SPECIAL AGENT JOHNSON SIGNED IT?

3 A. YES, SIR, HE DID.

4 Q. AND DID YOU SIGN AT THE BOTTOM AS A WITNESS?

5 A. I DID, SIR.

6 MR. BUCHANAN: YOUR HONOR, WE MOVE FOR THE ADMISSION  
7 OF GOVERNMENT'S EXHIBIT 1 INTO EVIDENCE.

8 MS. PERDEW SILAS: NO OBJECTION.

9 THE COURT: GOVERNMENT'S EXHIBIT 1 IS ADMITTED.

10 BY MR. BUCHANAN:

11 Q. YOU MENTIONED, SPECIAL AGENT BOWER, THAT YOU AND SPECIAL  
12 AGENT JOHNSON AND MR. GIBBS WERE THE ONLY PEOPLE IN THE ROOM;  
13 IS THAT CORRECT?

14 A. YES, SIR.

15 Q. AT THE OUTSET OF THAT INTERVIEW, DID YOU AND SPECIAL AGENT  
16 JOHNSON IDENTIFY YOURSELVES?

17 A. WE DID.

18 Q. AND WHAT DID YOU TELL MR. GIBBS ABOUT WHO YOU WERE?

19 A. WE ADVISED HIM WE WERE SPECIAL AGENTS WITH THE FBI.

20 Q. AND AT THE TIME OF THAT INTERVIEW, HOW WERE YOU AND  
21 SPECIAL AGENT JOHNSON DRESSED?

22 A. I WAS WEARING CARGO PANTS AND A BUTTON-DOWN SHIRT.

23 SPECIAL AGENT JOHNSON WAS IN CIVILIAN ATTIRE SIMILAR. I THINK  
24 HE HAD A PULLOVER ON.

25 Q. LET ME BACK UP JUST A BIT. AT THE CONCLUSION OF SPECIAL

1 AGENT JOHNSON READING AND EVERYONE SIGNING THE FORM IN  
2 GOVERNMENT'S EXHIBIT 1, DID MR. GIBBS AGREE TO SPEAK WITH YOU  
3 WITHOUT THE PRESENCE OF A LAWYER?

4 A. YES, SIR.

5 Q. AND NOW WHEN YOU TALKED WITH MR. GIBBS, WERE YOUR FIREARMS  
6 VISIBLE?

7 A. NO.

8 Q. WAS MR. GIBBS IN HANDCUFFS?

9 A. HE HAD ON ALMOST LIKE FLEX CUFFS THAT THE SHERIFF'S OFFICE  
10 HAD PUT ON.

11 Q. IS THAT THEIR POLICY FOR INTERVIEWING SUBJECTS?

12 A. AS FAR AS I KNOW, SIR.

13 Q. WAS HE WEARING ANYTHING ON HIS LEGS?

14 A. NOT TO MY KNOWLEDGE.

15 Q. HOW BIG IS THIS ROOM WHERE THE INTERVIEW TOOK PLACE?

16 A. IT'S NOT A LARGE ROOM. IT'S PROBABLY 10 FEET WIDE AND 6  
17 OR 7 FEET DEEP. IT'S NOT VERY BIG.

18 Q. ENOUGH ROOM FOR THREE PEOPLE?

19 A. YES, SIR.

20 Q. AT ANY POINT DURING THIS INTERVIEW OR PRIOR TO, WAS ANY  
21 PHYSICAL FORCE EXERTED UPON MR. GIBBS?

22 A. NO, SIR.

23 Q. WERE ANY WEAPONS USED ON MR. GIBBS?

24 A. NO, SIR.

25 Q. DID YOU OR ANYONE ELSE AFFILIATED WITH THIS INVESTIGATION

1 MAKE ANY THREATS TO MR. GIBBS?

2 A. NO, SIR.

3 Q. WAS MR. GIBBS SUBJECTED TO ANY DURESS?

4 A. NOT TO MY KNOWLEDGE, SIR.

5 Q. DID HE APPEAR TO BE UNDER DURESS WHILE HE TALKED TO YOU?

6 A. NO, SIR.

7 Q. WHAT WAS THE TONE OF THE CONVERSATION DURING THE  
8 INTERVIEW?

9 A. IT WAS FINE. MR. GIBBS WAS VERY FORTHCOMING WITH  
10 INFORMATION. HE SEEMED AGITATED A LITTLE BIT BECAUSE HE, YOU  
11 KNOW, OBVIOUSLY HE WAS NOT HAPPY ABOUT THE SITUATION HE WAS IN,  
12 BUT HE WAS VERY FORTHCOMING IN SPEAKING TO US.

13 Q. NOT HAPPY ABOUT BEING ARRESTED?

14 A. YES, SIR.

15 Q. IS THAT TYPICAL IN YOUR EXPERIENCE?

16 A. YES, SIR.

17 Q. DID YOU OR SPECIAL AGENT JOHNSON RAISE YOUR VOICE OR YELL  
18 AT MR. GIBBS?

19 A. NO, SIR.

20 Q. DID MR. GIBBS EXPRESS TO YOU OR SPECIAL AGENT JOHNSON ANY  
21 FEELINGS OF DURESS?

22 A. NO, SIR.

23 Q. DID YOU OR SPECIAL AGENT JOHNSON MAKE MR. GIBBS ANY  
24 PROMISES?

25 A. NO, SIR.

1 Q. DID MR. GIBBS APPEAR TO BE UNDER THE INFLUENCE OF ALCOHOL?

2 A. NO, SIR.

3 Q. DID HE SMELL OF ALCOHOL?

4 A. NO, SIR.

5 Q. DID HE APPEAR TO BE UNDER THE INFLUENCE OF ANY OTHER DRUGS  
6 OR NARCOTICS?

7 A. NO, SIR.

8 Q. WAS HIS SPEECH SLURRED?

9 A. NO, SIR.

10 Q. DID MR. GIBBS APPEAR COHERENT?

11 A. YES, SIR.

12 Q. THE ANSWERS THAT MR. GIBBS GAVE TO YOU AND SPECIAL AGENT  
13 JOHNSON, WERE THOSE ANSWERS RESPONSIVE TO THE QUESTIONS THAT  
14 YOU ASKED?

15 A. YES, SIR, VERY MUCH SO.

16 Q. DID MR. GIBBS APPEAR SLEEPY?

17 A. I MEAN IT WAS ONE A.M., BUT HE DIDN'T APPEAR OVERLY  
18 SLEEPY.

19 Q. DID MR. GIBBS SIT UPRIGHT DURING THE ENTIRE INTERVIEW?

20 A. FOR THE MOST PART, YES, SIR.

21 Q. DID HE APPEAR CONFUSED ABOUT WHAT WAS GOING ON?

22 A. NO, SIR.

23 Q. AT ANY POINT DURING THAT INTERVIEW, DID MR. GIBBS INVOKE  
24 HIS RIGHT TO REMAIN SILENT?

25 A. HE DID NOT.

1 Q. DID HE INVOKE HIS RIGHT TO AN ATTORNEY?

2 A. HE DID NOT.

3 Q. DID HE EVER MENTION WANTING AN ATTORNEY?

4 A. NO, SIR.

5 Q. DID HE ASK YOU OR SPECIAL AGENT JOHNSON ANY QUESTIONS  
6 ABOUT AN ATTORNEY?

7 A. NO, SIR.

8 Q. WAS MR. GIBBS PROVIDED FOOD AND DRINK DURING THE  
9 INTERVIEW?

10 A. YES, SIR.

11 Q. DO YOU REMEMBER WHAT HE WAS PROVIDED?

12 A. WE BROUGHT SOME FOOD FROM MCDONALD'S OVER. OBVIOUSLY IT  
13 WAS ONE A.M. AND HE HAD BEEN AT THE HOSPITAL TO MY KNOWLEDGE  
14 SINCE EARLY AFTERNOON, SO WE GOT HIM SOME FOOD FIGURING HE  
15 HADN'T HAD DINNER.

16 Q. DID HE EAT IT?

17 A. HE DID EVENTUALLY, YES, SIR.

18 Q. SPECIAL AGENT BOWER, DO YOU KNOW APPROXIMATELY HOW LONG  
19 THE INTERVIEW LASTED?

20 A. ABOUT AN HOUR AND 15 TO AN HOUR AND 20 MINUTES.

21 Q. DOES THE FANNIN COUNTY SHERIFF'S OFFICE, THAT ROOM THAT  
22 YOU WERE IN, DOES IT HAVE RECORDING CAPABILITY?

23 A. YES, SIR.

24 Q. AND WAS THE INTERVIEW RECORDED?

25 A. YES, SIR.

1 Q. I'VE HANDED YOU WHAT I HAVE MARKED AS GOVERNMENT'S EXHIBIT

2 2. DO YOU KNOW WHAT THAT ITEM IS?

3 A. YES, SIR.

4 Q. AND WHAT IS IT?

5 A. IT'S A DISK I'VE MARKED WILLIAM C. GIBBS INTERVIEW,  
6 02-03-17. IT'S A RECORDING OF THE INTERVIEW WE CONDUCTED.

7 Q. AND DOES IT HAVE ANY MARKINGS ON IT THAT YOU ARE FAMILIAR  
8 WITH?

9 A. YES, SIR, I'VE SIGNED THIS DISK.

10 Q. AND DID YOU SIGN IT AFTER YOU HAD A CHANCE TO LOOK AT IT?

11 A. YES, SIR.

12 Q. AND DOES THAT RECORDING IN GOVERNMENT'S EXHIBIT 2, DOES IT  
13 FAIRLY AND ACCURATELY DEPICT THE INTERVIEW OF MR. GIBBS THAT  
14 YOU CONDUCTED WITH SPECIAL AGENT JOHNSON?

15 A. YES, SIR.

16 MR. BUCHANAN: YOUR HONOR, WE MOVE FOR THE ADMISSION  
17 OF GOVERNMENT'S EXHIBIT 2 INTO EVIDENCE.

18 MS. PERDEW SILAS: NO OBJECTION.

19 THE COURT: GOVERNMENT'S EXHIBIT 2 IS ADMITTED.

20 MR. BUCHANAN: NO FURTHER QUESTIONS, YOUR HONOR.

21 THE COURT: THANK YOU.

22 CROSS-EXAMINATION

23 BY MS. PERDEW SILAS:

24 Q. GOOD MORNING.

25 A. GOOD MORNING, MA'AM.



1 Q. AGENT BOWER, YOU SAID THAT WHEN YOU RESPONDED TO THE  
2 INCIDENT, YOU GOT THERE AROUND NINE P.M.?

3 A. IT WAS AFTER NINE, I'M SURE, BUT I DON'T KNOW IF --

4 Q. IT WAS NIGHTTIME?

5 A. YES, MA'AM, IT WAS NIGHTTIME.

6 Q. OKAY. AND AT THE TIME THAT YOU GOT TO THE HOSPITAL, MR.  
7 GIBBS WAS THERE?

8 A. YES, CORRECT, YES, MA'AM.

9 Q. AND IT WOULD BE YOUR UNDERSTANDING THAT HE HAD BEEN THERE  
10 FOR SOME PERIOD OF TIME, RIGHT?

11 A. THAT WAS MY UNDERSTANDING, YES, MA'AM.

12 Q. WHERE EXACTLY WAS HE WHEN YOU GOT THERE?

13 A. I DON'T REALLY KNOW. I DIDN'T SEE HIM UNTIL SEVERAL HOURS  
14 AFTER I HAD ALREADY BEEN THERE. SO I DON'T KNOW WHERE HE WAS  
15 INITIALLY WHEN I GOT THERE.

16 Q. NOW WHEN YOU GOT THERE, YOU SAID THAT THERE WERE SEVERAL  
17 AGENCIES THAT WERE THERE?

18 A. YES, MA'AM.

19 Q. AND, OF COURSE, YOU'RE WITH THE FBI?

20 A. YES, MA'AM.

21 Q. AND YOU ALREADY MENTIONED THAT THE FANNIN COUNTY SHERIFF'S  
22 DEPARTMENT WAS THERE?

23 A. YES, MA'AM.

24 Q. AND THERE WERE SOME OTHER AGENCIES?

25 A. YES, MA'AM.

1 Q. AND THOSE WERE?

2 A. I BELIEVE CHEROKEE COUNTY HAS A HAZMAT UNIT THAT WAS  
3 THERE.

4 Q. OKAY.

5 A. THERE WAS A UNIT FROM THE NATIONAL GUARD FOR CST THERE,  
6 WHICH IS A HAZMAT UNIT, AS WELL, AND TO MY KNOWLEDGE THAT WAS  
7 THE AGENCIES THAT I KNEW THAT WERE THERE AT THE TIME.

8 Q. THE HAZMAT UNIT, THERE WERE A NUMBER OF PEOPLE THAT  
9 RESPONDED, NOT JUST ONE PERSON, RIGHT?

10 A. CORRECT.

11 Q. TEN?

12 A. I COULDN'T GUESS HOW MANY WERE THERE. I MEAN THEY HAD  
13 SEVERAL VEHICLES. THERE WERE SEVERAL PEOPLE THERE.

14 Q. AND THEY WERE WEARING HAZMAT OUTFITS?

15 A. AT ONE POINT IN TIME, YES, MA'AM.

16 Q. IS THAT LIKE WHITE STUFF THAT YOU COVER UP WITH?

17 A. YES, MA'AM, SURE.

18 Q. WAS IT YOUR UNDERSTANDING THAT MR. GIBBS WAS INSIDE THE  
19 HOSPITAL OR OUTSIDE THE HOSPITAL AT THE TIME THAT YOU ARRIVED?

20 A. I DON'T KNOW WHERE HE WAS AT THE TIME I ARRIVED.

21 Q. WHEN YOU FIRST SAW HIM, HE WAS IN A POLICE CAR, RIGHT?

22 A. THEY TOOK HIM OUT OF A POLICE CAR, YES, MA'AM.

23 Q. SO WHEN YOU FIRST SAW HIM, HE WAS EMERGING FROM A POLICE  
24 CAR, RIGHT?

25 A. YES, MA'AM.

1 Q. OKAY. AND ABOUT WHAT TIME WAS THAT?

2 A. I'M NOT SURE.

3 Q. WAS IT SHORTLY BEFORE HE WAS TRANSPORTED TO THE FANNIN  
4 COUNTY SHERIFF'S DEPARTMENT?

5 A. THAT WOULD BE AN ACCURATE STATEMENT, YES, MA'AM.

6 Q. OKAY. AND YOU SAID THAT YOUR INTERVIEW STARTED A FEW  
7 MINUTES AFTER ONE A.M.?

8 A. YES, MA'AM.

9 Q. AND THAT WOULD BE FEBRUARY 3RD, RIGHT?

10 A. YES, MA'AM.

11 Q. DO YOU REMEMBER IF FEBRUARY 2ND, THAT WAS A WORKDAY,  
12 RIGHT?

13 A. YES, MA'AM.

14 Q. A THURSDAY?

15 A. I DON'T REMEMBER WHAT DAY OF THE WEEK IT WAS BUT --

16 Q. IF I SHOWED YOU A CALENDAR FROM FEBRUARY OF 2017, WOULD  
17 THAT HELP TO REFRESH YOUR RECOLLECTION?

18 A. YES, MA'AM.

19 Q. I'D LIKE TO SHOW YOU WHAT I HAVE NOT MARKED BECAUSE I'M  
20 SHOWING IT TO YOU FOR PURPOSES OF MEMORY REFRESHMENT, BUT I CAN  
21 MARK IT IF THE COURT PREFERS.

22 WHAT DAY OF THE WEEK WAS FEBRUARY 2ND?

23 A. IT WAS THURSDAY.

24 Q. ALL RIGHT. AND THEN YOUR INTERVIEW BEGAN ON FEBRUARY 3RD,  
25 RIGHT --

1 A. YES, MA'AM.

2 Q. -- IN THE WEE HOURS OF THE MORNING SPECIFICALLY AROUND  
3 ONE?

4 A. YES, MA'AM.

5 Q. OKAY. NOW, AT THE TIME YOU RESPONDED, YOU WERE GIVEN SOME  
6 INFORMATION THAT A PERSON HAD ARRIVED AT THE HOSPITAL TALKING  
7 ABOUT EXPOSURE TO RICIN OR CASTOR BEANS OR SOME SUCH, RIGHT?

8 A. THAT'S CORRECT, YES, MA'AM.

9 Q. OKAY. YOU WERE TOLD, WEREN'T YOU, THAT THE PERSON ARRIVED  
10 AT THE HOSPITAL AROUND FOUR P.M.; IS THAT RIGHT?

11 A. I WAS TOLD THAT AT SOME POINT. I DON'T KNOW IF IT'S WHEN  
12 I GOT THE INITIAL CALL OR NOT. OBVIOUSLY I GOT MORE  
13 INFORMATION WHEN I GOT TO THE HOSPITAL.

14 Q. AND IT'S YOUR UNDERSTANDING THAT THE PERSON BASED ON  
15 EITHER INFORMATION YOU GOT BEFOREHAND OR AFTER OR NOW, BUT THE  
16 PERSON GOT THERE AROUND FOUR P.M., RIGHT?

17 A. THAT'S MY UNDERSTANDING, YES, MA'AM.

18 Q. OKAY. NOW, DURING THE INTERVIEW WHICH WAS RECORDED, YOU  
19 TALKED TO MR. GIBBS ABOUT SOME OF THE TIMELINE OF WHAT HAD  
20 HAPPENED TO HIM, RIGHT?

21 A. YES, MA'AM.

22 Q. AND FAIR TO SAY BY THE TIME YOU BEGAN INTERVIEWING HIM, HE  
23 HAD ALREADY HAD A PRETTY LONG DAY, RIGHT?

24 A. YES, MA'AM.

25 Q. OKAY. AND LET'S TALK ABOUT THAT SPECIFICALLY. HE TOLD

1 YOU THAT HE HAD GONE TO WORK AT THE CHICKEN PLANT THE NIGHT  
2 BEFORE HE CAME INTO THE HOSPITAL, RIGHT?

3 A. YES, MA'AM.

4 Q. IN FACT, HE SAID THAT HE HAD GONE TO WORK TO BEGIN A SHIFT  
5 THAT STARTED AT 9:45 P.M., RIGHT?

6 A. YES, MA'AM.

7 Q. AND THAT HE GOT OFF AT 8 A.M. ON THAT THURSDAY?

8 A. YES, MA'AM.

9 Q. FEBRUARY 2ND?

10 A. YES, MA'AM.

11 Q. SO, IN OTHER WORDS, HE WENT IN TO WORK ON WEDNESDAY NIGHT  
12 AT 9:45 P.M., RIGHT?

13 A. THAT'S WHAT HE SAID, YES, MA'AM.

14 Q. ACCORDING TO HIM?

15 A. YES, MA'AM.

16 Q. AND HE GOT OFF AT 8 A.M. THURSDAY MORNING, RIGHT?

17 A. YES, MA'AM.

18 Q. AND THEN YOU'RE TALKING TO HIM STARTING AT ONE A.M. ON  
19 FRIDAY MORNING, RIGHT?

20 A. CORRECT.

21 Q. NOW, YOU ALSO WENT THROUGH WITH HIM SOME OF THE EVENTS  
22 THAT HAPPENED AFTER HE GOT OFF WORK AT 8 A.M., RIGHT?

23 A. CORRECT.

24 Q. FOR INSTANCE, HE TOLD YOU THAT HE HAD GONE TO HIS CAR  
25 AROUND NOON TO CLEAN IT OUT; IS THAT RIGHT?

1 A. AS I RECALL, YES, MA'AM.

2 Q. OKAY. AND, OF COURSE, YOU DID AN INTERVIEW SUMMARY AFTER  
3 YOUR INTERVIEW, AND, OF COURSE, IT'S RECORDED THERE, AND WE  
4 HAVE IT ON GOVERNMENT'S EXHIBIT NUMBER 2, BUT YOU WOULD AGREE  
5 WITH ME THAT HE INDICATED THAT HE WAS DOING SOMETHING WITH HIS  
6 CAR ABOUT 12 NOON ON THURSDAY FEBRUARY 2ND, RIGHT?

7 A. YES, MA'AM.

8 Q. OKAY. AND THAT THAT IS THE TIME WHERE THE EVENT HAPPENED  
9 THAT CAUSED HIM A GREAT DEAL OF CONCERN?

10 A. YES, MA'AM.

11 Q. IN OTHER WORDS, HE SAID HE HAD TOUCHED SOMETHING, AND HE  
12 WAS CONCERNED THAT HE HAD EXPOSED HIMSELF TO A DEADLY TOXIN,  
13 RIGHT?

14 A. YES, MA'AM.

15 Q. AND THEN SEVERAL HOURS LATER IS WHEN HE GOES TO THE  
16 HOSPITAL ACCORDING TO HIM, RIGHT?

17 A. CORRECT.

18 Q. AND THAT, OF COURSE, IS CORROBORATED BY THE HOSPITAL, YOU  
19 KNOW, HAVING CONFIRMED THAT HE ARRIVED AROUND FOUR P.M.?

20 A. AS FAR AS I KNOW. I DON'T KNOW WHAT THE HOSPITAL STATED,  
21 BUT YES, MA'AM.

22 Q. OKAY. BUT EARLIER YOU SAID THAT WAS YOUR UNDERSTANDING HE  
23 ARRIVED AROUND FOUR P.M., WHATEVER TIME IT WAS?

24 A. YES, MA'AM. I JUST CAN'T SAY WHAT THE HOSPITAL IS  
25 CLAIMING. I DON'T KNOW WHAT THE HOSPITAL SAYS THE EXACT TIME

1 HE WALKED IN.

2 Q. AND I WON'T ASK YOU THAT.

3 NOW, BASED ON YOUR RE-CREATION OF EVENTS WITH HIM  
4 DURING YOUR INTERVIEW, HE DID NOT INDICATE THAT AT ANY POINT  
5 AFTER AT LEAST 9:45 WHEN HE SHOWED UP TO WORK ON WEDNESDAY  
6 NIGHT, ANY TIME THERE HE HAD GONE TO SLEEP, RIGHT, UP UNTIL AT  
7 LEAST WHEN HE WENT TO THE HOSPITAL?

8 A. WE DID NOT DISCUSS SLEEP, NO, MA'AM.

9 Q. WELL BUT YOU DID DISCUSS THE EVENTS?

10 A. YES, MA'AM.

11 Q. AND YOU TALKED ABOUT WHERE HE WENT AND WHO HE PICKED UP  
12 AND DRINKING BEER, AND NOWHERE IN THAT CONVERSATION WAS THERE  
13 AN INDICATION THAT HE HAD BEEN TO SLEEP?

14 A. NO, MA'AM.

15 Q. OKAY. NOW, WHEN HE WAS TALKING WITH YOU, I THINK YOU CAME  
16 INTO THE ROOM WITH SOME FOOD? YOU JUST TALKED ABOUT THAT. YOU  
17 CAME IN WITH FOOD?

18 A. YES, MA'AM.

19 Q. YOU FIGURED HE HADN'T EATEN?

20 A. YES, MA'AM.

21 Q. AND WHEN HE TALKED TO YOU ABOUT WHAT ALL HE HAD DONE, HE  
22 DIDN'T SAY ANYTHING ABOUT EATING, RIGHT?

23 A. NOT TO MY KNOWLEDGE.

24 Q. OKAY. AND SO DID ANYONE AT THE HOSPITAL TELL YOU HE HAD  
25 EATEN BEFORE YOUR INTERVIEW?

1 A. NO, MA'AM, I DIDN'T TALK TO ANYONE AT THE HOSPITAL ABOUT  
2 THAT.

3 Q. DID ANYONE AS PART OF THE INVESTIGATION OR ANYBODY TALK TO  
4 YOU ABOUT WHAT WAS GOING ON, SAY HEY, MR. GIBBS ATE AT SUCH AND  
5 SUCH TIME?

6 A. NO, MA'AM.

7 Q. OKAY. AND THAT'S WHY YOU BROUGHT FOOD BECAUSE YOU FIGURED  
8 HE HADN'T EATEN?

9 A. YES, MA'AM.

10 Q. NOW, WHEN YOU PRESENTED HIM WITH THE FOOD, HE DID NOT TAKE  
11 IT RIGHT AWAY; FAIR TO SAY?

12 A. FAIR TO SAY.

13 Q. IN FACT, HE INDICATED THAT HE THOUGHT THAT IT COULD BE  
14 POISON?

15 A. HE MAY HAVE SAID THAT, YES, MA'AM.

16 Q. WELL, THERE WAS SOME REASON WHY HE WAS RELUCTANT TO TAKE  
17 THE FOOD THAT HE VOCALIZED TO YOU, RIGHT?

18 A. UH-HUH (AFFIRMATIVE).

19 Q. YOU CAN'T REMEMBER THAT EXACTLY, RIGHT?

20 A. I'M NOT SURE I UNDERSTAND YOUR QUESTION.

21 Q. I'M ASKING YOU CAN YOU REMEMBER EXACTLY WHAT HE SAID ABOUT  
22 WHY HE WAS RELUCTANT TO TAKE THE FOOD THAT YOU BROUGHT HIM FROM  
23 MCDONALD'S BECAUSE YOU WERE CONCERNED HE HADN'T EATEN SO YOU  
24 BROUGHT IT?

25 A. YES, AND I DON'T REMEMBER EXACTLY WHAT HE SAID, NO.



1 Q. RIGHT, SO YOU DON'T REMEMBER IT, OKAY, BUT IT COULD HAVE  
2 BEEN THAT IT WAS POISONED, THAT HE THOUGHT IT MIGHT BE  
3 POISONED, RIGHT?

4 A. SURE.

5 Q. NOW, DURING THE TIME THAT HE SAT WITH YOU, HE WAS CLEARING  
6 HIS THROAT A GREAT DEAL; WOULD YOU AGREE WITH ME?

7 A. I WOULD AGREE WITH YOU.

8 Q. AND WITH RESPECT TO GOVERNMENT'S EXHIBIT 2, WHICH IS A  
9 VIDEOTAPE OF THE INTERVIEW, HAVE YOU REVIEWED THAT AT ANY TIME,  
10 OR ARE YOU JUST GOING BASED ON YOUR MEMORY OF THE INTERVIEW  
11 ITSELF?

12 A. I'VE REVIEWED IT.

13 Q. OKAY. WHEN WAS THE MOST RECENT TIME THAT YOU REVIEWED IT?

14 A. IN TOTALITY IT'S BEEN A FEW WEEKS.

15 Q. OKAY. BUT FAIR TO SAY THAT ON THE VIDEO RECORDING THERE  
16 ARE SOME SOUNDS COMING FROM MR. GIBBS, AND THEY'RE SORT OF  
17 GUTTURAL SOUNDS, RIGHT?

18 A. YES, MA'AM.

19 Q. OR WHAT WORD WOULD YOU USE TO DESCRIBE THEM?

20 A. KIND OF COUGHING OR HACKING, I GUESS.

21 Q. RIGHT, AND AT ONE POINT IN THE INTERVIEW, HE EVEN SAYS I  
22 CANNOT BREATHE; DO YOU REMEMBER THAT?

23 A. I DON'T REMEMBER THAT.

24 Q. HE TALKS ABOUT THE SYMPTOMS OF RICIN POISONING DURING YOUR  
25 INTERVIEW, RIGHT?

1 A. HE TALKED ABOUT EFFECTS THAT RICIN COULD HAVE ON A  
2 PERSON. WE DID TALK ABOUT THAT DURING THE INTERVIEW, YES.

3 Q. AND HE SAID HE WAS CONCERNED THAT HE MIGHT DIE?

4 A. HE DID SAY THAT.

5 Q. MORE THAN ONCE?

6 A. I DON'T KNOW HOW MANY TIMES HE SAID IT. I DO REMEMBER HIM  
7 SAYING THAT.

8 Q. OKAY. NOW, HE ALSO WAS ASKING YOU QUESTIONS ABOUT WHAT  
9 HIS CHARGES WERE, RIGHT?

10 A. THAT'S CORRECT.

11 Q. AND I DON'T THINK YOU TOLD HIM; IS THAT RIGHT?

12 A. AT THE TIME I DID NOT WANT TO SPECULATE BECAUSE I DIDN'T  
13 KNOW WHAT CHARGES FANNIN COUNTY HAD, SPECIFICALLY WHAT THEY HAD  
14 CHARGED HIM WITH, AND I WASN'T GOING TO GIVE HIM BAD  
15 INFORMATION ON THAT.

16 Q. OKAY. ONE OF THE THINGS THAT YOU SAID TO HIM WAS THAT  
17 PART OF THE REASON YOU WERE TALKING TO HIM WAS TO MAKE SURE NO  
18 ONE ELSE HAD BEEN EXPOSED TO A DEADLY TOXIN, RIGHT?

19 A. THAT'S CORRECT.

20 Q. AND YOU ENCOURAGED HIM TO SPEAK TO YOU BECAUSE YOU WANTED  
21 TO MAKE SURE THAT NO ONE ELSE HAD BEEN EXPOSED TO A DEADLY  
22 TOXIN?

23 A. THAT IS CORRECT.

24 Q. YOU ALSO TOLD HIM THAT PART OF THE INTERVIEW WOULD HELP TO  
25 DETERMINE WHETHER OR NOT HE WOULD BE FACING CHARGES, RIGHT?

1 A. I DON'T KNOW IF I SPECIFICALLY STATED THAT OR NOT.

2 Q. AT ONE POINT IN THE INTERVIEW, HE TALKS ABOUT THE FACT  
3 THAT HE WAS TOTALLY FREAKING OUT WHEN HE TOUCHED THE BOTTLE  
4 AROUND NOON OF THAT THURSDAY, RIGHT?

5 A. YES, MA'AM.

6 Q. HE ALSO ASKED IF YOU GUYS KNEW WHAT SYMPTOMS WERE RELATING  
7 TO RICIN POISONING, RIGHT?

8 A. HE MAY HAVE ASKED US THAT, YES, MA'AM.

9 Q. OKAY. NOW, DURING THIS INTERVIEW WHICH YOU SAID LASTED  
10 MORE THAN AN HOUR, RIGHT?

11 A. YES, MA'AM.

12 Q. HE TALKED ABOUT NEEDING MEDICAL CARE; DO YOU RECALL THAT?

13 A. I REMEMBER HIM TALKING ABOUT THE MEDICAL CARE HE HAD  
14 RECEIVED AT THE HOSPITAL, YES, MA'AM.

15 Q. OKAY. AND THAT HE DIDN'T GET AN IV DRIP?

16 A. I DON'T SPECIFICALLY REMEMBER THE IV DRIP PART, BUT I  
17 REMEMBER TALKING ABOUT HIS UNHAPPINESS WITH THE MEDICAL CARE  
18 THAT HE HAD.

19 Q. OKAY. NOW, YOU ALSO LEARNED DURING THE INTERVIEW THAT MR.  
20 GIBBS HAS AN EDUCATION LEVEL THAT IS BELOW HIGH SCHOOL  
21 GRADUATION, RIGHT?

22 A. YES, MA'AM.

23 Q. HE TALKED ABOUT HE DID NOT HAVE A G.E.D.?

24 A. YES, MA'AM.

25 Q. OKAY. WHEN HE WAS TAKEN OUT OF THE ROOM, WHO TOOK HIM OUT

1 OF THE ROOM; WAS IT YOU OR SOMEBODY FROM FANNIN COUNTY?

2 A. AT THE CONCLUSION OF THE INTERVIEW?

3 Q. AT THE CONCLUSION OF THE INTERVIEW, WHO TOOK HIM OUT OF  
4 THE ROOM?

5 A. FANNIN COUNTY SHERIFFS, YES, MA'AM.

6 Q. OKAY. DO YOU KNOW WHERE HE WENT FROM THERE?

7 A. I DO NOT.

8 Q. BEFORE HE CAME INTO THE ROOM WITH YOU GUYS, YOU MENTIONED  
9 HE HAD BEEN PROCESSED. WHERE WAS THAT DONE?

10 A. I DON'T KNOW. HE WAS UNLOADED FROM THE CAR AT THE  
11 PRISONER EXCHANGE POINT FOR THE SHERIFF'S OFFICE, AND THEY TOOK  
12 HIM INSIDE, AND WE SAW HIM ABOUT TEN MINUTES LATER. SO I'M NOT  
13 SURE WHERE HE WAS PROCESSED.

14 Q. OKAY. DO YOU HAVE ANY REASON TO BELIEVE THAT AFTER MR.  
15 GIBBS ARRIVED -- WELL STRIKE THAT FOR A MOMENT.

16 YOUR INVOLVEMENT IN THE CASE IS MORE THAN JUST DOING  
17 THE MR. GIBBS INTERVIEW, ISN'T IT?

18 A. YES, MA'AM.

19 Q. FOR INSTANCE, YOU INTERVIEWED SOME OF THE PEOPLE AT THE  
20 HOSPITAL?

21 A. I DID NOT INTERVIEW THEM AT THE HOSPITAL.

22 Q. THE ER DIRECTOR, AGENT CHRISTOPHER BOWER, YOU DID NOT DO  
23 THAT INTERVIEW?

24 A. THE NAME OF THE ER DIRECTOR IS?

25 Q. WHOEVER IT WAS THAT CALLED 911, THE PERSON WHO DECIDED TO

1 DO THAT? LET ME WITHDRAW THAT.

2 THE QUESTION REALLY IS DID YOU DO OTHER INTERVIEWS?

3 A. I DID.

4 Q. MORE THAN TWO INTERVIEWS IN THE CASE?

5 A. YES, MA'AM.

6 Q. OKAY. DO YOU HAVE ANY REASON TO BELIEVE OR THAT YOU CAN  
7 TELL THE COURT OR ME OR WHOEVER THAT MR. GIBBS HAD BEEN FREE TO  
8 LEAVE AFTER HE CAME INTO THE HOSPITAL? IS THERE SOMETHING THAT  
9 I DON'T KNOW ABOUT THAT AT SOME POINT HE WAS AT LIBERTY AFTER  
10 HE ARRIVED AT THE HOSPITAL?

11 A. I DON'T KNOW THE ANSWER TO THAT. I DON'T KNOW WHO THE  
12 RESPONDING OFFICERS WERE FROM FANNIN COUNTY INITIALLY, AND WHO  
13 TALKED TO HIM, AND WHAT HIS STATUS WAS AT THE TIME.

14 I ONLY KNOW WHAT I KNOW FROM WHEN I ARRIVED ON THE  
15 SCENE AT THE HOSPITAL.

16 Q. AND FAIR TO SAY AT THAT TIME HE WAS IN CUSTODY BECAUSE HE  
17 WAS BEING BROUGHT OUT OF A POLICE CAR, RIGHT?

18 A. YES, MA'AM.

19 Q. WAS IT THE BACK SEAT OF THE POLICE CAR?

20 A. YES, MA'AM.

21 Q. AND HE WAS CUFFED AT THAT TIME, RIGHT?

22 A. I DON'T RECALL IF HE WAS CUFFED OR NOT TO BE HONEST WITH  
23 YOU.

24 Q. WHEN HE'S BROUGHT INTO THE INTERVIEW ROOM, HE'S GOT SOME  
25 FLEXI CUFFS WITH A VERY LONG STEM ON THEM, RIGHT?

1 A. THAT'S CORRECT, YES, MA'AM.

2 Q. OKAY. WHEN HE EMERGED FROM THE POLICE CAR, IT WASN'T THAT  
3 YOU SAW HIM OPEN THE DOOR AND GET OUT. SOMEONE WENT AND GOT  
4 HIM OUT OF THE POLICE CAR; IS THAT FAIR TO SAY?

5 A. THAT'S CORRECT.

6 Q. DID IT LOOK LIKE TO YOU -- YOU'RE AN EXPERIENCED AGENT.  
7 DID IT LOOK LIKE TO YOU HE WAS IN CUSTODY AT THAT TIME?

8 A. YES, I MEAN --

9 MS. PERDEW SILAS: OKAY. MAY I HAVE A MOMENT,  
10 JUDGE?

11 THE COURT: YES, YOU MAY.

12 (PAUSE IN THE PROCEEDINGS.)

13 MS. PERDEW SILAS: THAT'S ALL I HAVE FOR THIS  
14 WITNESS, JUDGE.

15 THE COURT: THANK YOU.

16 REDIRECT EXAMINATION

17 BY MR. BUCHANAN:

18 Q. SPECIAL AGENT BOWER, DO YOU KNOW WHETHER OR NOT ANYONE  
19 QUESTIONED MR. GIBBS, ANY LAW ENFORCEMENT OFFICERS QUESTIONED  
20 MR. GIBBS PRIOR TO YOUR INTERVIEW?

21 A. YES.

22 Q. DID THEY, OR DID THEY NOT?

23 A. YES.

24 Q. THEY DID, OR THEY DID NOT?

25 A. TO MY KNOWLEDGE FANNIN COUNTY TALKED TO HIM BEFORE I EVER

1 TALKED TO HIM, YES.

2 Q. OKAY. AND DO YOU KNOW WHERE FANNIN COUNTY TALKED TO HIM?

3 A. AT THE HOSPITAL.

4 Q. OKAY. AND THAT WAS BEFORE HE WAS BROUGHT TO THE SHERIFF'S  
5 OFFICE?

6 A. YES, THAT'S CORRECT.

7 Q. WAS THERE ANY TALK -- WITH RESPECT TO MR. GIBBS  
8 TALKING WITH FANNIN COUNTY AT THE HOSPITAL, ARE YOU AWARE  
9 WHETHER OR NOT HE INVOKED HIS RIGHT TO REMAIN SILENT DURING ANY  
10 OF THAT?

11 A. NOT TO MY KNOWLEDGE.

12 Q. AND WHAT WAS THE POINT OF FANNIN COUNTY TALKING WITH HIM  
13 AT THE HOSPITAL?

14 MS. PERDEW SILAS: OBJECTION FOR BASIS OF KNOWLEDGE.  
15 I MEAN I DON'T THINK WE HAVE A FOUNDATION THAT HE -- I DON'T  
16 KNOW.

17 MR. BUCHANAN: I'LL ASK HIM WHETHER OR NOT HE KNOWS.

18 THE COURT: ASK HIM WHETHER HE KNOWS.

19 BY MR. BUCHANAN:

20 Q. DO YOU KNOW WHY FANNIN COUNTY WANTED OR DID TALK WITH MR.  
21 GIBBS WHILE HE WAS AT THE HOSPITAL?

22 A. YES.

23 Q. AND WHY WAS THAT?

24 A. WHEN THE FANNIN COUNTY SHERIFF'S OFFICE WAS CONTACTED  
25 ABOUT MR. GIBBS COMING TO THE HOSPITAL WITH POSSIBLE EXPOSURE

1 TO RICIN, THEY OBVIOUSLY RESPONDED TO THE SCENE TO FIND OUT  
2 WHAT WAS GOING ON, AND IN RESPONDING TO THE SCENE, THEY TALKED  
3 TO MR. GIBBS ABOUT WHY HE FELT HE WAS CONTAMINATED WITH RICIN.

4 Q. BASED ON YOUR TRAINING AND EXPERIENCE AS A LAW ENFORCEMENT  
5 OFFICER, WHAT WOULD HAVE BEEN THE CONCERNS WITH A PERSON  
6 SHOWING UP HAVING BEEN EXPOSED TO RICIN?

7 A. WELL, THERE'S NUMEROUS CONCERNS. ONE IS FOR THE PERSON IN  
8 CUSTODY --

9 MS. PERDEW SILAS: I'M GOING TO OBJECT TO THIS LINE  
10 HERE BECAUSE I THINK ANYBODY CAN SORT OF SPECULATE AS TO WHAT  
11 WOULD BE THE CONCERNS, BUT IF THE GOVERNMENT IS GOING TO TRY TO  
12 ESTABLISH THROUGH THIS WITNESS THE JUSTIFICATION FOR THE  
13 QUESTIONS POSED BY A SEPARATE LAW ENFORCEMENT AGENCY, THEN  
14 THEY'VE GOT TO CONNECT THIS WITNESS' STATE OF MIND TO THAT  
15 PERSON'S STATE OF MIND, AND SO ASKING WHAT WOULD HAVE BEEN THE  
16 CONCERN AND ASKING HIM TO SPECULATE AS TO WHAT THIS OTHER  
17 PERSON WAS THINKING WHEN HE ASKED QUESTIONS OF MR. GIBBS, I  
18 DON'T THINK IS ACTUALLY RELEVANT.

19 THE COURT: I UNDERSTAND YOUR POINT. I THINK IT'S  
20 NOT EXACTLY WHAT HE'S ASKING. I'LL LET HIM DEVELOP THE  
21 TESTIMONY, BUT YOUR OBJECTION WOULD BE VALID OR WORTHY OF  
22 CONSIDERATION IN THE WRITTEN PAPERS IF THEY ATTEMPT TO RELY ON  
23 THIS TO JUSTIFY ACTIONS OF ANOTHER LAW ENFORCEMENT AGENCY.

24 SO YOUR POWDER IS DRY FOR WHEN WE BRIEF IT UP IF YOU  
25 NEED IT.



1 BY MR. BUCHANAN:

2 Q. WHAT WOULD BE SOME OF THOSE CONCERNS?

3 A. THE INDIVIDUAL WHO STATED THEY WERE EXPOSED TO RICIN THEIR  
4 HEALTH, THE HEALTH AND SAFETY OF ANYONE ELSE WHO MIGHT HAVE  
5 BEEN EXPOSED, WHERE THE RICIN CAME FROM, WHY THEY THOUGHT THEY  
6 WERE EXPOSED TO RICIN. THERE'S NUMEROUS CONCERNS AS A LAW  
7 ENFORCEMENT AGENCY WHEN SOMEONE SAYS THEY MAY HAVE BEEN EXPOSED  
8 TO A BIOTOXIN.

9 Q. AND WHEN YOU INTERVIEWED MR. GIBBS LATER AT THE FANNIN  
10 COUNTY SHERIFF'S OFFICE, HE SPECIFICALLY TALKED WITH YOU ABOUT  
11 WHY HE WENT TO THE HOSPITAL, RIGHT?

12 A. THAT'S CORRECT.

13 Q. AND WHAT DID HE TELL YOU WAS THE BASIS FOR HIS TRIP TO THE  
14 HOSPITAL THAT EVENING?

15 A. HE FELT HE HAD BEEN EXPOSED TO A TOXIC SUBSTANCE THAT  
16 COULD HARM HIM, SO HE WENT TO THE HOSPITAL.

17 Q. AND DID HE TELL YOU WHAT THAT SUBSTANCE WAS?

18 A. HE DID.

19 Q. AND WHAT DID HE TELL YOU IT WAS?

20 A. HE BELIEVED THAT THERE WERE -- THAT THERE WAS A RICIN  
21 TOXIN IN THE -- IN A BOTTLE THAT HE HAD IN HIS VEHICLE THAT HE  
22 HAD PUT CASTOR BEANS AND ACETONE IN, AND THAT HE HAD EXPOSED  
23 HIMSELF TO THAT WHEN HE WAS CLEANING OUT HIS CAR, AND HE FELT  
24 THAT HIS HEALTH WAS IN JEOPARDY AS A RESULT OF THAT EXPOSURE,  
25 SO HE WENT TO THE HOSPITAL.

1 Q. AND WHEN HE WENT TO THE HOSPITAL, HE WAS CHECKED OUT BY  
2 THE MEDICAL STAFF, RIGHT?

3 A. YES, SIR, TO MY KNOWLEDGE.

4 Q. AND SO YOUR INTERVIEW OF MR. GIBBS OCCURRED AFTER HE WAS  
5 CHECKED OUT BY THE DOCTORS?

6 A. THAT'S CORRECT.

7 Q. AND SINCE THE DOCTORS DID LET HIM GO, WERE YOU AWARE OF  
8 ANY PRESSING MEDICAL CONCERNS FOR MR. GIBBS AT THE TIME OF THE  
9 INTERVIEW?

10 A. NO, SIR.

11 Q. DID MR. GIBBS EXPRESS ANY ISSUES ABOUT BEING FATIGUED?

12 A. NOT TO MY KNOWLEDGE, SIR.

13 Q. DID HE TALK ABOUT BEING SLEEPY?

14 A. NO, SIR.

15 Q. DID HE SAY THAT HE HAD NOT BEEN TO SLEEP IN A DAY OR SO?

16 A. NOT THAT I RECALL, SIR.

17 Q. DID HE MENTION THAT HE WANTED TO STOP THE INTERVIEW  
18 BECAUSE HE WAS SO TIRED?

19 A. NO, SIR.

20 Q. IN FACT, WHAT PROMPTED THE END OF THE INTERVIEW?

21 A. WE WERE FINISHED WITH OUR QUESTIONS.

22 Q. AND YOU SAID IT TOOK ABOUT AN HOUR AND 15 MINUTES?

23 A. ROUGHLY, YES, SIR.

24 MR. BUCHANAN: NOTHING FURTHER, YOUR HONOR.

25 THE COURT: THANK YOU.

1 MS. PERDEW SILAS: MAY I, JUDGE?

2 THE COURT: YES, YOU MAY

3 RECROSS-EXAMINATION

4 BY MS. PERDEW SILAS:

5 Q. YOU WERE THE ONE WHO RETRIEVED THE AUDIO RECORDING FROM  
6 FANNIN COUNTY SPEAKING TO MR. GIBBS, RIGHT?

7 A. YES, MA'AM.

8 Q. AND YOU GOT THAT ON FEBRUARY 8TH OF 2017 FROM DEPUTY  
9 JUSTIN CARTER?

10 A. THAT'S CORRECT.

11 Q. AND THE RECORDING THAT YOU GOT, IT SAYS ENCAPSULATES THE  
12 CONVERSATION, RIGHT?

13 A. I DON'T UNDERSTAND YOUR QUESTION.

14 Q. LET ME SHOW YOU WHAT I HAVE MARKED AS DEFENDANT'S EXHIBIT  
15 NUMBER 1 WHICH PURPORTS TO BE A MEMORANDUM OR REPORT THAT YOU  
16 PREPARED, IS IT?

17 A. THAT'S CORRECT.

18 Q. AND IT TALKS ABOUT OBTAINING THIS VIDEOTAPE THAT  
19 REPRESENTED THE CONVERSATION BETWEEN MR. GIBBS AND THIS DEPUTY  
20 JUSTIN CARD FROM FANNIN COUNTY.

21 A. THAT'S CORRECT.

22 Q. AND THAT YOU WERE THE ONE WHO DID THAT; YOU GOT THE TAPE  
23 FROM DEPUTY CARD?

24 A. I DID.

25 Q. AND YOU LOOKED AT IT, RIGHT? DID YOU EVER LOOK AT THAT

1 TAPE?

2 A. I LISTENED TO IT. I DON'T THINK THERE'S MUCH VIDEO TO IT.

3 Q. OKAY. YOU LISTENED TO IT; YOU REVIEWED IT, RIGHT?

4 A. YES.

5 Q. AND DEPUTY CARD, DID HE TELL YOU HE REVIEWED IT --

6 A. I DON'T REMEMBER --

7 Q. -- OR HE JUST GAVE IT TO YOU?

8 A. I DON'T RECALL IF HE REVIEWED IT OR NOT.

9 Q. OKAY. YOU SEE WHERE YOU USED THE WORDS "ENCAPSULATE THE  
10 CONVERSATION?" IT'S A SHORT MEMO THAT YOU DID?

11 A. THAT'S CORRECT.

12 Q. OKAY. AND SO THAT'S WHAT YOU SAID ABOUT THIS TAPE, IT  
13 ENCAPSULATES THE CONVERSATION, RIGHT?

14 A. THAT'S CORRECT.

15 Q. OKAY. NOW, WHEN YOU GOT THE TAPE, I IMAGINE THAT YOU GAVE  
16 IT TO SOMEBODY SO THAT IT COULD BE TURNED OVER AS DISCOVERY?

17 A. THAT'S CORRECT.

18 Q. AND DO YOU KNOW IF IT WAS TITLED HOSPITAL SURVEILLANCE?

19 A. I DON'T REMEMBER WHAT IT'S TITLED. IT'S POSSIBLE, YES,  
20 MA'AM.

21 MS. PERDEW SILAS: I WOULD LIKE TO SUBMIT, I THINK,  
22 BY STIPULATION THAT DEFENDANT'S EXHIBIT NUMBER 2 IS A COPY OF  
23 THAT TAPE. I WOULD LIKE IT TO BE IN THE RECORD SO THAT WE  
24 CAN -- AND I BELIEVE, SINCE WE'RE STIPULATING, I BELIEVE  
25 THAT THIS IS THE TAPE THAT WAS COPIED ON THE BODY CAM THAT

1 THIS WITNESS JUST TALKED ABOUT. SO I SUBMIT DEFENDANT'S  
2 EXHIBIT 2.

3 THE COURT: ANY OBJECTION?

4 MR. BUCHANAN: NO OBJECTION.

5 MS. PERDEW SILAS: I'M LEERY OF PUTTING A BLUE  
6 STICKER ON IT BECAUSE I DON'T WANT IT TO GET CAUGHT IN THE  
7 COURT'S DISK DRIVE.

8 THE COURT: FAIR ENOUGH. MAYBE WE CAN STICK IT IN AN  
9 ENVELOPE. DEFENDANT'S EXHIBIT 2 IS ADMITTED.

10 MS. PERDEW SILAS: GREAT.

11 BY MS. PERDEW SILAS:

12 Q. NOW, DID YOU TALK TO THE DEPUTY ABOUT WHETHER OR NOT HE  
13 MIRANDIZED MR. GIBBS PRIOR TO HIS QUESTIONING OF MR. GIBBS  
14 THERE ON FEBRUARY 2ND?

15 A. NOT THAT I RECALL.

16 Q. DID YOU TALK TO HIM ABOUT HIS RATIONALE FOR QUESTIONING  
17 MR. GIBBS AT THE TIME THAT HE DID?

18 A. NOT THAT I RECALL.

19 Q. AT THE TIME HE QUESTIONED MR. GIBBS, MR. GIBBS HAD ALREADY  
20 BEEN EXAMINED, RIGHT?

21 A. BY?

22 Q. BY SOME MEDICAL PERSONNEL THERE.

23 A. TO MY KNOWLEDGE, YES, MA'AM.

24 Q. BECAUSE ON THE TAPE IT TALKS ABOUT WHEN WE GET YOU OUT OF  
25 HERE, WE CAN HAVE A CIGARETTE, ET CETERA, RIGHT; DO YOU

1 REMEMBER THAT PART?

2 A. WELL, I HAVEN'T LISTENED TO THAT IN A WHILE, SO I CAN'T  
3 RECALL WHAT THEY SAID, BUT --

4 Q. OKAY. CAN YOU RECALL THAT MR. GIBBS SAYS ON THERE THAT HE  
5 DOESN'T HAVE HIS OWN CLOTHES AT THE TIME THAT THEY'RE HAVING  
6 THIS CONVERSATION?

7 A. LIKE I SAID, IT'S BEEN PROBABLY SINCE FEBRUARY SINCE I'VE  
8 LISTENED TO THIS, SO I CAN'T RECALL.

9 Q. WHEN YOU INTERVIEWED HIM, HE HAD ON BLUE PANTS AND  
10 BOTTOMS, RIGHT?

11 A. YES, MA'AM.

12 Q. I DON'T KNOW IF THOSE ARE INMATE UNIFORM ISSUE, OR IF  
13 THEY'RE MEDICAL CLOTHING, DO YOU?

14 A. MY UNDERSTANDING THAT THAT WAS MEDICAL CLOTHING.

15 Q. BECAUSE HIS CLOTHES WERE CONFISCATED FOR WHATEVER REASON,  
16 RIGHT?

17 A. THAT'S CORRECT.

18 Q. HE DIDN'T HAVE HIS CLOTHES. HE HAD ON THIS MEDICAL  
19 OUTFIT?

20 A. THAT'S CORRECT.

21 MS. PERDEW SILAS: OKAY. THAT'S ALL I HAVE FOR THIS  
22 WITNESS.

23 THE COURT: OKAY. THANK YOU.

24 MR. BUCHANAN: CAN I ASK ONE QUESTION?

25 THE COURT: YES, YOU MAY.

1 FURTHER DIRECTION EXAMINATION

2 BY MR. BUCHANAN:

3 Q. SPECIAL AGENT BOWER, YOU TESTIFIED EARLIER THAT THERE WERE  
4 PEOPLE ON THE SCENE WHO WERE WORKING TO DECONTAMINATE OR MAKE  
5 SAFE THE AREA?

6 A. THAT'S CORRECT.

7 Q. BASED ON YOUR TRAINING AND EXPERIENCE IN WORKING WITH  
8 WEAPONS OF MASS DESTRUCTION, THESE SUBSTANCES, WOULD THAT HAVE  
9 INCLUDED THE POTENTIAL EXPOSED PERSON'S CLOTHING?

10 A. YES, SIR, ABSOLUTELY.

11 MR. BUCHANAN: NOTHING ELSE, YOUR HONOR.

12 THE COURT: ANYTHING FURTHER?

13 MS. PERDEW SILAS: NO, JUDGE.

14 THE COURT: OKAY. THANKS, SPECIAL AGENT BOWER, YOU  
15 MAY BE EXCUSED.

16 WELL, MS. PERDEW SILAS, YOU DID NOT MOVE DEFENDANT'S  
17 EXHIBIT 1 INTO EVIDENCE.

18 MS. PERDEW SILAS: IT WAS USED TO REFRESH HIS  
19 RECOLLECTION.

20 THE COURT: YEAH, I MEAN IT'S UP TO YOU IF YOU WANT  
21 TO ASK OR NOT. I KNOW -- YOU'RE LOOKING LIKE YOU'RE TRYING TO  
22 GIVE IT TO HER. SO IF YOU'RE NOT PUTTING IT IN, LET'S DON'T  
23 GIVE IT TO HER, OKAY.

24 MS. PERDEW SILAS: YES, JUDGE.

25 MR. BUCHANAN: YOUR HONOR, A FEW WEEKS PRIOR TO MR.

1 GIBBS' ARREST, HE WAS THE SUBJECT OF A TRAFFIC STOP. THAT  
2 TRAFFIC STOP IS NOT RELATED TO HIS ARREST, BUT IF THIS MATTER  
3 WENT TO TRIAL, THE UNITED STATES WOULD SEEK TO INTRODUCE  
4 EVIDENCE FROM THAT TRAFFIC STOP UNDER 404(B), AND SO WE'VE GOT  
5 THE OFFICER WHO CONDUCTED THAT TRAFFIC STOP. I JUST WANT TO  
6 LET THE COURT KNOW THAT THERE IS A BIT OF A BREAK BETWEEN THE  
7 TWO.

8 THE COURT: THANK YOU.

9 MR. BUCHANAN: WITH THAT, YOUR HONOR, THE UNITED  
10 STATES CALLS FANNIN COUNTY DEPUTY SHERIFF'S OFFICER JOHN  
11 KINSER.

12 THE CLERK: PLEASE RAISE YOUR RIGHT HAND TO TAKE THE  
13 OATH.

14 JOHN CHRISTOPHER DAVID KINSER,  
15 HAVING BEEN DULY SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

16 THE CLERK: IF YOU WILL HAVE A SEAT, PLEASE, AND  
17 STATE YOUR FULL NAME FOR THE RECORD AND SPELL YOUR LAST NAME  
18 ALSO.

19 THE WITNESS: JOHN CHRISTOPHER DAVID KINSER,  
20 K I N S E R.

21 DIRECT EXAMINATION

22 BY MR. BUCHANAN:

23 Q. SIR, HOW ARE YOU EMPLOYED?

24 A. HOW AM I EMPLOYED?

25 Q. YES.



1 A. DEPUTY SHERIFF FANNIN COUNTY SHERIFF'S OFFICE.

2 Q. AND HOW LONG HAVE YOU BEEN A DEPUTY SHERIFF WITH THE  
3 FANNIN COUNTY SHERIFF'S OFFICE?

4 A. ABOUT A YEAR AND EIGHT MONTHS.

5 Q. AND DOES YOUR WORK SORT OF TAKE YOU ALL OVER FANNIN  
6 COUNTY?

7 A. YES, SIR.

8 Q. AND DOES THAT ALSO INCLUDE BLUE RIDGE, GEORGIA?

9 A. YES, SIR.

10 Q. AND WHAT ARE YOUR DUTIES WITH THE FANNIN COUNTY SHERIFF'S  
11 OFFICE?

12 A. I'M A DEPUTY SHERIFF.

13 Q. AND WHAT DO YOU DO?

14 A. I'M ON UNIFORM PATROL.

15 Q. AND HOW LONG HAVE YOU BEEN ON PATROL?

16 A. ABOUT A YEAR AND EIGHT MONTHS.

17 Q. AND SO ON PATROL, WHAT ARE SOME OF THE THINGS THAT YOU DO?

18 A. WE PATROL ALL OF FANNIN COUNTY. WE ANSWER 911 CALLS, TAKE  
19 A LOT OF REPORTS, WORK A LOT OF TRAFFIC.

20 Q. SO YOU CONDUCT TRAFFIC STOPS?

21 A. YES, SIR.

22 Q. AND ARE YOU FAMILIAR WITH THE GEORGIA STATE TRAFFIC LAWS?

23 A. YES, SIR.

24 Q. WERE YOU WORKING ON JANUARY 14TH OF 2017?

25 A. YES, SIR.

1 Q. AND WHAT WERE YOU DOING THAT DAY?

2 A. I WAS WORKING TRAFFIC DOWN IN MCCAYSVILLE, DOWN AROUND THE  
3 AREA OF MCCAYSVILLE, GEORGIA.

4 Q. MCCAYSVILLE IS THAT WITHIN FANNIN COUNTY?

5 A. YES, SIR.

6 Q. AND AT SOME POINT DURING THAT DAY, DID YOU CONDUCT A  
7 TRAFFIC STOP OF A WHITE LINCOLN TOWN CAR?

8 A. YES, SIR.

9 Q. AND APPROXIMATELY WHAT TIME OF DAY WAS IT?

10 A. I DON'T EXACTLY RECALL, BUT IF I HAD TO SAY APPROXIMATELY  
11 AROUND TWO O'CLOCK.

12 Q. TWO O'CLOCK P.M.?

13 A. P.M., YEAH.

14 Q. SO THE SUN WAS UP?

15 A. YES.

16 Q. IT WAS NOT HARD TO SEE THAT DAY?

17 A. NO, IT WAS NOT.

18 Q. WAS IT RAINING?

19 A. NO, SIR.

20 Q. AT THE TIME THAT YOU CONDUCTED THE TRAFFIC STOP WAS  
21 THERE ANYTHING THAT SORT OF BLOCKED YOUR VIEW OF THE WHITE TOWN  
22 CAR?

23 A. NO, SIR.

24 Q. AND WHEN YOU SAW THE TOWN CAR, WERE THERE ANY CARS BETWEEN  
25 YOU AND THE TOWN CAR?

1 A. NO, SIR.

2 Q. SO YOU HAD A DIRECT LINE OF SIGHT ON IT?

3 A. YES, SIR.

4 Q. AND WHAT HAPPENED WHILE YOU WERE BEHIND THE LINCOLN TOWN  
5 CAR?

6 A. HE RAN THROUGH A STOP SIGN.

7 Q. WAS THAT A VIOLATION OF THE GEORGIA TRAFFIC LAWS?

8 A. YES, SIR.

9 Q. AND AFTER THE LINCOLN TOWN CAR RAN THE STOP SIGN, DID YOU  
10 CONDUCT A TRAFFIC STOP?

11 A. YES, SIR.

12 Q. NOW WHEN YOU CONDUCTED THAT STOP, WAS THE TOWN CAR IN SORT  
13 OF AN ODD PLACE?

14 A. YES, SIR.

15 Q. AND PLEASE TELL JUDGE FULLER WHAT WAS ODD ABOUT WHERE IT  
16 STOPPED?

17 A. WHERE IT STOPPED IT CAUSED ME TO HAVE TO STOP BEHIND IT,  
18 AND I WAS STILL ON THE ROADWAY, SO I ASKED HIM TO MOVE ON DOWN  
19 INTO THE DRIVEWAY THAT HE WAS STOPPED IN. THAT WAY I COULD GET  
20 OUT OF THE ROADWAY.

21 Q. AND WHEN YOU ASKED THE DRIVER TO MOVE -- FIRST OF ALL, DO  
22 YOU RECALL WHO THE DRIVER OF THE LINCOLN TOWN CAR WAS?

23 A. YES, SIR, CHRIS GIBBS.

24 Q. AND DO YOU RECOGNIZE MR. GIBBS IN THE COURTROOM TODAY?

25 A. YES, SIR.

1 Q. PLEASE IDENTIFY HIM BY SOMETHING THAT HE'S WEARING?

2 A. WEARING A YELLOW BUTTON-UP SHIRT.

3 MR. BUCHANAN: YOUR HONOR, I'D LIKE THE RECORD TO

4 REFLECT THAT THIS WITNESS HAS IDENTIFIED THE DEFENDANT.

5 BY MR. BUCHANAN:

6 Q. AFTER YOU ASKED MR. GIBBS TO MOVE UP A LITTLE BIT SO YOU

7 COULD GET OUT OF THE ROADWAY, WHAT HAPPENED?

8 A. HE COMPLIED.

9 Q. AND WHEN HE COMPLIED, HE BROUGHT HIS CAR TO A STOP?

10 A. YES.

11 Q. AND AFTER HIS CAR STOPPED, WHAT HAPPENED?

12 A. THE PASSENGER TAO SERANO EXITED THE VEHICLE AND STARTED

13 MOVING HIS GROCERIES OUT OF THE CAR.

14 Q. SO DID THE PASSENGER REMOVE AN ITEM FROM THE CAR?

15 A. YES, SIR.

16 Q. AND THE PASSENGER GOT OUT OF THE CAR?

17 A. YES, SIR.

18 Q. AND I KNOW YOU HADN'T BEEN IN LAW ENFORCEMENT LONG, BUT

19 DID THIS RAISE YOUR SUSPICION?

20 A. ABSOLUTELY.

21 Q. AND EVENTUALLY DID YOU GO UP AND TALK TO THE DRIVER?

22 A. YES, SIR.

23 Q. AND WHEN YOU WENT UP TO TALK TO THE DRIVER, DID YOU HAVE

24 YOUR GUN DRAWN?

25 A. NO, SIR.

1 Q. AND DID YOU ASK THE PASSENGER, DID YOU ASK HIM TO COME  
2 BACK TO THE VEHICLE AFTER HE GOT OUT OF IT?

3 A. YES, SIR.

4 Q. WAS ANYBODY ELSE WITH YOU AT THE OUTSET OF THIS TRAFFIC  
5 STOP?

6 A. IN THE BEGINNING, NO.

7 Q. OKAY. EVENTUALLY SOMEONE ELSE SHOWED UP?

8 A. YES, SIR.

9 Q. AND WHO WAS THAT OTHER PERSON WHO SHOWED UP?

10 A. IT WAS A MCCAYSVILLE OFFICER. I CAN'T EXACTLY REMEMBER  
11 HIS NAME, BUT THE TWO DEPUTY SHERIFFS THAT SHOWED UP AFTER HIM  
12 WERE JACOB PLESS AND DUSTIN CARTER.

13 Q. OKAY. AND WE'LL GET TO THEIR ARRIVAL IN A SECOND.

14 SO INITIALLY WHEN YOU WENT TO TALK TO MR. GIBBS, IT  
15 WAS JUST YOU, MR. GIBBS AND HIS PASSENGER?

16 A. YES, SIR.

17 Q. AND DID YOU ASK MR. GIBBS TO SEARCH HIS CAR?

18 A. YES, SIR.

19 Q. AND WHAT DID MR. GIBBS SAY?

20 A. IN THE BEGINNING HE SAID YOU'RE GOING TO DO WHAT YOU'RE  
21 GOING TO DO, AND THEN I ASKED HIM AGAIN, AND HE GAVE ME CONSENT  
22 TO SEARCH THE CAR.

23 Q. AND WHEN HE GAVE YOU CONSENT TO SEARCH THE CAR, WERE YOU  
24 YELLING AT HIM?

25 A. NO, SIR.

1 Q. YOU MENTIONED THAT YOU DID NOT HAVE YOUR GUN DRAWN?

2 A. NO, SIR.

3 Q. WERE YOU TOUCHING MR. GIBBS?

4 A. NO, SIR.

5 Q. WERE YOU RESTRAINING MR. GIBBS?

6 A. NO, SIR.

7 Q. DID YOU MAKE ANY THREATS TO MR. GIBBS?

8 A. NO, SIR.

9 Q. ANY PROMISES TO MR. GIBBS?

10 A. NO, SIR.

11 Q. AND EVENTUALLY YOU DID SEARCH THE CAR; IS THAT RIGHT?

12 A. YES, SIR.

13 Q. NOW, WHEN YOU HAD THE CONVERSATION ABOUT WHEN YOU ASKED

14 MR. GIBBS FOR PERMISSION TO SEARCH THE CAR, WERE THERE ANY

15 OTHER LAW ENFORCEMENT OFFICERS PRESENT AT THAT TIME?

16 A. NO, SIR.

17 Q. BUT EVENTUALLY SOME OTHERS SHOWED UP?

18 A. YES, SIR.

19 Q. AND YOU SEARCHED MR. GIBBS' CAR?

20 A. YES, SIR.

21 Q. AND WHAT, IF ANYTHING, OF INTEREST DID YOU FIND?

22 A. I FOUND WHAT HE IDENTIFIED AS BEING SOME VERY DANGEROUS

23 POISON SEEDS.

24 Q. AND WHERE DID YOU FIND THEM?

25 A. IN THE GLOVE COMPARTMENT OF THE VEHICLE.

1 Q. AND WHEN YOU FOUND THEM, WHAT DID YOU DO WITH THEM?

2 A. I SET THEM TO THE SIDE, FINISHED SEARCHING THE CAR, AND I  
3 SPOKE TO A MORE SENIOR OFFICER JACOB PLESS TO SEE IF HE COULD  
4 IDENTIFY WHAT THEY WERE, AND HE SAID HE HAD NEVER SEEN THEM  
5 BEFORE.

6 Q. DO YOU REMEMBER WHAT MR. GIBBS, APPROXIMATELY, NOT WORD  
7 FOR WORD, BUT DO YOU REMEMBER BASICALLY WHAT HE TOLD YOU ABOUT  
8 THOSE SEEDS?

9 A. HE IDENTIFIED THEM AS WHITE ANGEL TRUMPET SEEDS OR  
10 SOMETHING LIKE THAT, AND HE JUST TOLD ME THEY WERE VERY, VERY  
11 DANGEROUS, VERY POISONOUS.

12 Q. AND, SHERIFF'S DEPUTY KINSER, WAS THE TRAFFIC STOP  
13 RECORDED?

14 A. YES, SIR.

15 Q. I HAVE HANDED YOU WHAT I HAVE MARKED AS GOVERNMENT'S  
16 EXHIBIT 3. DO YOU KNOW WHAT THAT ITEM IS?

17 A. YES, SIR.

18 Q. IS THAT -- WHAT IS IT?

19 A. IT'S A VIDEO COPY OF THE TRAFFIC STOP.

20 Q. WHERE WAS THAT VIDEO RECORDED FROM?

21 A. FROM THE PATROL CAR.

22 Q. FROM YOUR DASH CAM?

23 A. YES, SIR.

24 Q. AND YOU'VE HAD A CHANCE TO LOOK AT IT?

25 A. YES, SIR.

1 Q. AND IS THERE ANYTHING, ANY MARKINGS THAT YOU PUT ON THAT  
2 DISK?

3 A. I INITIALED IT WITH A BLUE MARKER.

4 Q. THOSE ARE YOUR INITIALS?

5 A. YES, SIR.

6 Q. AND DID YOU DO SO AFTER YOU HAD A CHANCE TO TAKE A LOOK  
7 AT IT?

8 A. YES, SIR.

9 Q. AND DID THAT RECORDING, DOES IT FAIRLY AND ACCURATELY  
10 DEPICT THE TRAFFIC STOP?

11 A. YES, SIR.

12 MR. BUCHANAN: YOUR HONOR, WE'D MOVE FOR THE  
13 ADMISSION OF GOVERNMENT'S EXHIBIT 3 INTO EVIDENCE.

14 MS. PERDEW SILAS: NO OBJECTION.

15 THE COURT: GOVERNMENT'S EXHIBIT 3 IS ADMITTED.

16 BY MR. BUCHANAN:

17 Q. AND, SHERIFF'S DEPUTY KINSER, AFTER YOU FINISHED WITH THE  
18 TRAFFIC STOP, DID YOU ARREST MR. GIBBS?

19 A. NO, SIR.

20 Q. DID YOU GIVE HIM A WARNING?

21 A. YES, SIR, JUST A VERBAL WARNING.

22 Q. AND DID YOU LET HIM GO ON?

23 A. YES, SIR.

24 MR. BUCHANAN: NOTHING FURTHER, YOUR HONOR.

25 THE COURT: THANK YOU, SIR.



1 CROSS-EXAMINATION

2 BY MS. PERDEW SILAS:

3 Q. IS IT OFFICER OR DEPUTY?

4 A. DEPUTY SHERIFF.

5 Q. OKAY. DEPUTY, DID YOU DO A REPORT OF THIS INCIDENT?

6 A. NO, MA'AM.

7 Q. OKAY. AT SOME POINT MAYBE A COUPLE WEEKS LATER, DID YOU  
8 TALK TO SOMEONE ABOUT THIS TRAFFIC STOP, THAT IS TO SAY, WE  
9 KNOW AT SOME POINT MR. GIBBS ENDED UP GOING TO THE HOSPITAL,  
10 AND THAT POINT I THINK THE PARTIES WOULD AGREE WAS FEBRUARY  
11 2ND, WERE YOU CONTACTED AT ALL ON THAT DAY IN REFERENCE TO WHAT  
12 YOU HAD SEEN AND HEARD DURING THE TRAFFIC STOP?

13 IN OTHER WORDS, LET ME CONTINUE TO SEE IF I CAN GET  
14 US ORIENTED TO THE SAME PLACE. THERE'S A DEPUTY JUSTIN CARD  
15 THAT WORKS, I GUESS, WITH FANNIN COUNTY, RIGHT?

16 A. JUSTIN?

17 Q. CARD DO YOU KNOW HIM?

18 A. DUSTIN CARTER?

19 Q. IT COULD BE. I DON'T KNOW.

20 A. OKAY. THE NAME YOU'RE GIVING ME, NOBODY BY THAT NAME  
21 WORKS THERE.

22 Q. OKAY. HOW ABOUT A DUSTIN CARTER?

23 A. YEAH.

24 Q. OKAY. DID YOU TALK TO DUSTIN CARTER ABOUT THESE BEANS  
25 FROM JANUARY 15TH?

1 A. YES, MA'AM.

2 Q. OKAY. DO YOU KNOW IF YOU TALKED TO HIM ABOUT THAT AROUND  
3 THE TIME OF FEBRUARY 2ND WHEN MR. GIBBS SHOWED UP AT THE  
4 EMERGENCY ROOM SAYING HE HAD BEEN EXPOSED TO RICIN, OR I'M  
5 SORRY, SAYING HE HAD BEEN EXPOSED TO SOMETHING HE WAS WORRIED  
6 ABOUT? DID YOU EVER TALK TO DUSTIN CARTER?

7 A. YEAH, HE WAS MY FIELD TRAINING OFFICER.

8 Q. DID HE SHOW UP ON SCENE FOR JANUARY 15TH?

9 A. THE TRAFFIC STOP?

10 Q. UH-HUH (AFFIRMATIVE).

11 A. YES, MA'AM.

12 Q. OKAY. AND SO HE SAW THE BEANS THERE HIMSELF, I GUESS?

13 A. THEY WERE SEEDS.

14 Q. SO HE SAW THE SEEDS THERE HIMSELF, I GUESS, RIGHT?

15 A. UH-HUH (AFFIRMATIVE).

16 Q. OKAY. NOW, THE SEEDS -- WELL, WHEN YOU WERE TALKING TO  
17 MR. GIBBS, MR. GIBBS WAS CALM, RIGHT?

18 A. YES, MA'AM.

19 Q. BECAUSE LATER YOU SAY YOU ASKED HIM FOR PERMISSION TO  
20 SEARCH, RIGHT?

21 A. YES, MA'AM.

22 Q. YOU SAY HE SAID YOU'RE GOING TO DO WHAT YOU'RE GOING TO  
23 DO, RIGHT?

24 A. YES, MA'AM.

25 Q. DID YOU CORRECT HIM ABOUT THAT? DID YOU SAY WELL, NO, I

1 WANT TO HAVE YOUR PERMISSION BEFORE I CAN DO THAT?

2 A. I DON'T EXACTLY RECALL.

3 Q. OKAY. BUT YOUR CONVERSATION THERE WITH HIM IS RECORDED?

4 A. YES, MA'AM.

5 Q. OKAY. AND SO WE HAVE THAT AS GOVERNMENT'S EXHIBIT, I  
6 THINK, 3?

7 A. YES, MA'AM.

8 Q. ALL RIGHT. WHEN YOU GOT THE SEEDS, WERE THEY IN A BAG?

9 A. YES, MA'AM.

10 Q. LIKE A ZIPLOC BAG?

11 A. YEAH, LIKE A SMALL JEWELER'S BAGGIE.

12 Q. OKAY. AND DID YOU HANDLE THE BAG?

13 A. UH-HUH (AFFIRMATIVE).

14 Q. AND WHEN YOU GOT DONE HANDLING THE BAG THAT CONTAINED THE  
15 SEEDS, WHAT DID YOU DO WITH IT?

16 A. I RETURNED IT TO MR. GIBBS.

17 Q. OKAY. NOW, EARLIER YOU CALLED HIM CHRIS GIBBS. ARE YOU  
18 FAMILIAR WITH HIM FROM BEFORE THE TRAFFIC STOP?

19 A. YES, MA'AM.

20 Q. HOW ARE YOU FAMILIAR WITH HIM?

21 A. HE WAS A FREQUENT INMATE WHEN I WAS A SERGEANT AT THE  
22 FANNIN COUNTY JAIL.

23 Q. OKAY. DID YOU VIEW HIM AS A TROUBLEMAKER?

24 A. YES, MA'AM.

25 Q. HOW COME?

1 A. HE, HE WAS ALWAYS INSUBORDINATE WHEN HE WAS AN INMATE.

2 Q. OKAY. WERE YOU ALREADY FAMILIAR WITH HIS TOWN CAR BEFORE  
3 YOU SAW IT THAT DAY?

4 A. NO, MA'AM.

5 Q. OKAY. NOW, THE BODY CAM THAT HAS BEEN SUBMITTED AS  
6 GOVERNMENT'S EXHIBIT 3, THERE ARE SOME SECONDS BEFORE MR. GIBBS  
7 AND THE TOWN CAR PULL OVER; HAVE YOU REVIEWED THAT?

8 MR. BUCHANAN: YOUR HONOR, I'D OBJECT. THAT  
9 MISCHARACTERIZES THE EVIDENCE. I THINK HE SAID IT WAS A DASH  
10 CAM, NOT A BODY CAM.

11 MS. PERDEW SILAS: OKAY. I ACCEPT THAT AS A FRIENDLY  
12 AMENDMENT.

13 BY MS. PERDEW SILAS:

14 Q. ON YOUR DASH CAM THERE ARE SOME SECONDS BEFORE THE STOP  
15 OCCURS, RIGHT?

16 A. YES, MA'AM.

17 Q. SO FOR A WHILE YOU'RE BEHIND THIS WHITE TOWN CAR, RIGHT?

18 A. YES, MA'AM.

19 Q. AND THEN THERE'S A STOP?

20 A. YES, MA'AM.

21 Q. THE REASON YOU STOPPED HIM WAS WHAT?

22 A. BECAUSE HE FAILED TO STOP AT A STOP SIGN.

23 Q. OKAY. AND THAT IS SHOWN, IS IT, ON THAT DASH CAM?

24 A. YES, MA'AM.

25 Q. OKAY. DO YOU KNOW EXACTLY WHAT POINT THE RUNNING OF THAT

1 STOP SIGN IS SHOWN?

2 A. AS FAR AS LIKE THE TIMESTAMP?

3 Q. UH-HUH (AFFIRMATIVE).

4 A. NO, MA'AM.

5 MS. PERDEW SILAS: JUDGE, IN LIGHT OF OUR TECHNICAL  
6 LIMITATIONS HERE, I'M GOING TO ASK THAT I BE ABLE TO SHOW, AND  
7 IT PROBABLY WOULD BE EASIER IF HE STEPPED DOWN AND CAME AROUND,  
8 BECAUSE I JUST WANT TO KNOW THE TIMESTAMP OF WHERE HE'S TALKING  
9 ABOUT THAT HE'S -- THE STOP SIGN RUNNING TAKES PLACE.

10 THE COURT: ANY OBJECTION FROM THE GOVERNMENT FOR HER  
11 SHOWING HIM THE VIDEO --

12 MR. BUCHANAN: NO, YOUR HONOR.

13 THE COURT: -- TO ESTABLISH THE TIMESTAMP OF THE  
14 ALLEGED STOP SIGN OFFENSE?

15 MS. PERDEW SILAS: OKAY. AND I DON'T HAVE TO DO IT  
16 AT THIS MOMENT BECAUSE I ALMOST THINK IT WOULD BE NICE TO JUST  
17 TAKE A BREAK, AND WE PROBABLY CAN STIPULATE BECAUSE I MAY BE --

18 THE COURT: MY HOPE IS IF YOU ALL LOOKED AT THE VIDEO  
19 THAT YOU'D BE ABLE TO IDENTIFY THE EVENT THAT HE'S DESCRIBING  
20 IF IT'S ON THERE. SO WE'LL GIVE YOU ALL AN OPPORTUNITY TO DO  
21 THAT ONCE HE FINISHES TESTIFYING, AND IF YOU NEED TO CALL HIM  
22 BACK, WE'LL DO IT. THANK YOU.

23 MS. PERDEW SILAS: OKAY. GREAT.

24 BY MS. PERDEW SILAS:

25 Q. WHEN YOU -- DID SOMEONE SHOW YOU THE SEEDS, OR DID YOU SAY

1 HEY, THERE'S SOME SEEDS; HOW DID THAT HAPPEN?

2 A. I FOUND THEM WHILE SEARCHING THE VEHICLE IN THE GLOVE  
3 COMPARTMENT.

4 Q. OKAY. YOU HADN'T ASKED MR. GIBBS BEFOREHAND HEY, DO YOU  
5 HAVE SOME SEEDS IN YOUR CAR, RIGHT?

6 A. HUH-UH (NEGATIVE).

7 Q. BECAUSE YOU DIDN'T KNOW TO BE THINKING THAT, RIGHT?

8 A. RIGHT.

9 Q. AND SO WHEN YOU FOUND THEM, THEY WERE WHERE?

10 A. IN THE GLOVE COMPARTMENT.

11 Q. IN THE GLOVE COMPARTMENT.

12 A. YES, MA'AM.

13 Q. MR. GIBBS WHERE WAS HE WHEN YOU FOUND THEM?

14 A. HE WAS STANDING OUTSIDE THE VEHICLE.

15 Q. HE COULD SEE YOU SEARCHING HIS CAR?

16 A. YES, MA'AM.

17 Q. OKAY. DID HE MAKE ANY EXCLAMATIONS WHEN YOU FOUND THESE  
18 SEEDS?

19 A. NO.

20 Q. AND YOU ASKED HIM ABOUT THEM AND WHAT THEY WERE, RIGHT?

21 A. YES, MA'AM.

22 Q. AND HE TOLD YOU, HE MADE SOME STATEMENTS ABOUT THAT?

23 A. YES, MA'AM.

24 Q. OKAY. I IMAGINE THAT HE WAS NOT MIRANDIZED AT ANY TIME AT  
25 THIS POINT, RIGHT?

1 A. CORRECT.

2 Q. AND HE'S THE SUBJECT OF A TRAFFIC STOP AT THIS POINT,  
3 RIGHT?

4 A. YES, MA'AM.

5 Q. THE TRAFFIC STOP FOR RUNNING THE STOP SIGN, THERE WOULD  
6 NOT HAVE BEEN EVIDENCE OF THAT INSIDE OF MR. GIBBS' CAR?

7 A. CORRECT.

8 Q. HE JUST EITHER RAN IT OR HE DIDN'T, RIGHT?

9 A. RIGHT.

10 Q. AND DID YOU TELL HIM WHAT YOU WERE GOING TO BE WANTING TO  
11 SEARCH HIS CAR FOR?

12 A. NO, MA'AM.

13 Q. YOU JUST SAID I THINK I'D LIKE TO SEARCH YOUR CAR OR WORDS  
14 TO THAT AFFECT?

15 A. I ASKED HIM, I SAID CAN I SEARCH YOUR VEHICLE.

16 Q. CAN I SEARCH YOUR VEHICLE?

17 A. YES, MA'AM.

18 Q. OKAY. BESIDES THOSE SEEDS, YOU FOUND A WEAPON?

19 A. YEAH, AN AIR RIFLE.

20 Q. OKAY. BUT THAT'S NOT -- IS THAT A REAL GUN? I DON'T  
21 KNOW.

22 A. IT'S NOT A FIREARM. AN AIR RIFLE IS PROPELLED BY  
23 COMPRESSED AIR.

24 MS. PERDEW SILAS: OKAY. ALL RIGHT. THAT'S ALL I  
25 HAVE OTHER THAN TO GET HIM TO IDENTIFY THE SPOT ON THE VIDEO.

1 THE COURT: OKAY. THANK YOU.

2 MR. BUCHANAN: MAY I, YOUR HONOR?

3 THE COURT: YES, YOU MAY.

4 REDIRECT EXAMINATION

5 BY MR. BUCHANAN:

6 Q. DEPUTY SHERIFF KINSER, WHERE WAS THAT AIR RIFLE?

7 A. IT WAS IN THE BACK SEAT OF THE CAR.

8 Q. COULD YOU SEE IT WHEN YOU APPROACHED THE DRIVER'S DOOR?

9 A. YES, SIR.

10 Q. AND I BELIEVE YOU TESTIFIED THAT WHEN THE CAR STOPPED, THE  
11 PASSENGER THREW SOMETHING OUT OF THE CAR?

12 A. YES, SIR.

13 Q. DID THAT FACTOR INTO YOUR DECISION TO ASK FOR CONSENT TO  
14 SEARCH?

15 A. YES, SIR.

16 MS. PERDEW SILAS: OBJECTION FOR LEADING, JUDGE.

17 THIS IS JUST LEADING, BUT IT'S DONE A LITTLE MORE CRAFTIER, BUT  
18 IT'S DEFINITELY LEADING.

19 THE COURT: SUSTAIN THE OBJECTION.

20 BY MR. BUCHANAN:

21 Q. WHAT DID YOU DO AFTER YOU SAW THE PASSENGER SET SOMETHING  
22 OUT OF THE CAR?

23 A. THAT'S WHEN MY SUSPICION WAS RAISED THAT THERE MAY BE  
24 SOMETHING, SOME KIND OF CONTRABAND INSIDE THE CAR.

25 Q. AND DID THE PASSENGER -- YOU SAID WHEN THE CAR STOPPED



1 AFTER YOU ASKED MR. GIBBS TO MOVE UP, THE PASSENGER GOT OUT OF  
2 THE VEHICLE?

3 A. YES, SIR.

4 Q. AND WHAT, IF ANYTHING, DID YOU DO WITH THAT INFORMATION?

5 WHAT DID YOU DO IN RESPONSE TO THE PASSENGER GETTING OUT OF THE  
6 VEHICLE?

7 A. I TOLD HIM TO GO BACK TO THE CAR.

8 Q. DID THAT RAISE ANY SUSPICIONS?

9 A. ME TELLING HIM TO GO BACK TO THE CAR?

10 Q. NO, THE PASSENGER EXITING THE VEHICLE.

11 A. OH, YES, YEAH, IT'S --

12 MR. BUCHANAN: NOTHING FURTHER, YOUR HONOR.

13 MS. PERDEW SILAS: THERE'S NOTHING UNTIL AFTER WE DO  
14 THIS.

15 THE COURT: OKAY. DEPUTY KINSER, YOU MAY STEP DOWN.  
16 WE'RE GOING TO LET YOU ALL TAKE A LOOK AT THE VIDEO TO LOOK FOR  
17 THIS TIME, AND WE UP HERE WILL HANG TIGHT FOR A MINUTE AND GIVE  
18 YOU ALL A MINUTE TO DO THAT.

19 (PAUSE IN THE PROCEEDINGS.)

20 FURTHER CROSS-EXAMINATION

21 BY MS. PERDEW SILAS:

22 Q. DID YOU REVIEW GOVERNMENT'S EXHIBIT 3 WITH ME?

23 A. YES, MA'AM.

24 Q. OKAY. WHAT WAS THE TIMESTAMP FOR WHEN THE STOP SIGN WAS?

25 A. 34 SECONDS.

1 Q. OKAY. IS IT FAIR TO SAY THAT THAT STOP SIGN IS RIGHT  
2 THERE LIKE MAYBE TEN FEET FROM THIS DRIVEWAY WHERE MR. GIBBS  
3 ENDED UP PULLING IN?

4 A. YES, MA'AM.

5 Q. OKAY. COULD YOU TELL FROM REVIEWING THAT VIDEO -- OR  
6 ACTUALLY LET ME ASK THIS, DID YOU AT SOME POINT PUT ON YOUR  
7 BLUE LIGHTS?

8 A. AFTER HE RAN THE STOP SIGN.

9 Q. AFTER HE RAN THE STOP SIGN, BUT BEFORE HE CAME TO A STOP?

10 A. YES, MA'AM.

11 Q. OKAY. AND YOU CAN TELL THAT FROM LOOKING AT THE VIDEO, OR  
12 THAT'S JUST YOUR MEMORY?

13 A. THAT'S MY MEMORY.

14 MS. PERDEW SILAS: OKAY. THAT'S ALL I HAVE, JUDGE.

15 THE COURT: THANK YOU.

16 MR. BUCHANAN: NOTHING ELSE, YOUR HONOR.

17 THE COURT: THANK YOU, DEPUTY KINSER. YOU MAY BE  
18 EXCUSED.

19 MR. BUCHANAN: THAT'S ALL OF THE UNITED STATES'  
20 WITNESSES, YOUR HONOR.

21 THE COURT: OKAY.

22 MS. PERDEW SILAS: OKAY. I DO FEEL LIKE THE RECORD  
23 IS IN A STATE OF NOT BEING CLEAR IN LIKE MAYBE IT WAS DUSTIN  
24 CARTER AND MAYBE AGENT BOWER WROTE DOWN JUSTIN CARD. I DON'T  
25 KNOW. IT LOOKS LIKE THE GOVERNMENT IS ELECTING NOT TO CALL

1 THIS INDIVIDUAL, WHETHER IT BE DUSTIN OR JUSTIN, AND, YOU KNOW,  
2 BE THAT AS IT MAY, I DO THINK IT'S IMPORTANT THAT WE KNOW IF  
3 IT'S THE SAME PERSON. IT SOUNDS LIKE IT PROBABLY IS.

4 AND IF AGENT BOWER IS LURKING ABOUT SOMEWHERE, MAYBE  
5 WE CAN JUST FIND THAT OUT BEFORE WE CLOSE THE RECORD, AND I  
6 ARGUE SIMPLY FROM THE INTERVIEW THAT THIS STATEMENT IS  
7 INADMISSIBLE, THIS TAPE THAT I PUT IN AS DEFENDANT'S EXHIBIT  
8 2. CAN I JUST LOOK AND SEE IF HE'S OUT THERE?

9 MR. BUCHANAN: I DON'T THINK HE'S GONE. I THINK HE'S  
10 STILL OUTSIDE.

11 THE COURT: YEAH, I MEAN I THINK THE POINT YOU'RE  
12 TRYING TO MAKE IS WHO IS IT.

13 MS. PERDEW SILAS: WHO IS IT, YES, JUDGE.

14 THE COURT: AND BASED ON WHAT WE'RE HEARING FROM  
15 DEPUTY KINSER, THERE'S SOME REASON TO THINK THERE MIGHT BE A  
16 MISTAKE. I'M FINE WITH YOU ALL RUNNING THAT DOWN IF HE'S STILL  
17 OUT THERE.

18 MS. PERDEW SILAS: OKAY. LET ME JUST GO AND SEE.

19 (PAUSE IN THE PROCEEDINGS.)

20 MS. PERDEW SILAS: I HAVE TO GIVE BACK GOVERNMENT'S  
21 EXHIBIT 3.

22 I GUESS I WILL CALL AGENT BOWER FOR A SECOND.

23 THE CLERK: YOU ARE STILL UNDER OATH.

24 CHRISTOPHER JOHN BOWER,  
25 HAVING BEEN PREVIOUSLY DULY SWORN, WAS EXAMINED AND TESTIFIED

1 AS FOLLOWS:

2 FURTHER CROSS-EXAMINATION

3 BY MS. PERDEW SILAS:

4 Q. AGENT, HAVE YOU EVER MET THIS DEPUTY KINSER HERE BEFORE?

5 A. YES.

6 Q. AND DEPUTY KINSER TESTIFIED THAT THERE'S A DUSTIN CARTER  
7 AT FANNIN COUNTY THAT WAS WITH HIM WHEN HE SAW THE SEEDS, BUT  
8 THAT THERE IS NOT A JUSTIN CARD -- CARTER. SO COULD IT HAVE  
9 BEEN DUSTIN CARTER INSTEAD OF JUSTIN CARDER?

10 LET ME GIVE YOU BACK DEFENDANT'S 1 WHICH WAS SHOWN TO  
11 YOU FOR IDENTIFICATION PURPOSES, AND YOU HAVE THAT PERSON IN  
12 THERE AS JUSTIN CARDER WITH A "D," BUT IT PROBABLY WAS DUSTIN  
13 CARTER, RIGHT?

14 A. I DON'T KNOW.

15 Q. YOU DON'T KNOW?

16 A. I DON'T KNOW IF THERE'S A MIXUP IN THE NAME OR NOT. I  
17 CAN'T SAY. I MEAN I KNOW DEPUTY KINSER WOULD KNOW WHO WORKS AT  
18 FANNIN COUNTY. THERE MAY BE AN ERROR ON MY PART, BUT I CAN'T  
19 SAY A HUNDRED PERCENT SURE UNLESS I DOUBLE-CHECK MYSELF.

20 MS. PERDEW SILAS: OKAY. ALL RIGHT. WELL THAT'S  
21 GOOD ENOUGH. IT SOUNDS TO ME LIKE IT'S THE SAME PERSON, BUT  
22 YOU CAN ONLY SAY WHAT YOU CAN SAY.

23 A. YES, MA'AM.

24 MS. PERDEW SILAS: THAT'S ALL I HAVE FOR AGENT BOWER.

25 THE COURT: OKAY. THANK YOU. MR. BUCHANAN, DO YOU

1 HAVE ANYTHING?

2 MR. BUCHANAN: NO, YOUR HONOR.

3 THE COURT: THANK YOU, SPECIAL AGENT BOWER. YOU MAY  
4 BE EXCUSED AGAIN.

5 MS. PERDEW SILAS: YOU KNOW THERE ARE SOME GAPS IN  
6 THE RECORD THAT I'M A LITTLE BIT CONCERNED ABOUT, AND IT MAY BE  
7 THAT WE CAN STIPULATE.

8 I THINK THAT WE NEED TO HAVE THE INFORMATION OF  
9 WHETHER OR NOT MR. GIBBS WAS IN CONDITIONS THAT ARE  
10 COMMENSURATE TO CUSTODY FROM SOMEWHERE AROUND FOUR TO AROUND  
11 NINE. I HAVE ENOUGH IN THE RECORD TO ARGUE THAT HE WAS IN  
12 CUSTODY AT LEAST AS OF NINE. WE KNOW THAT HE WAS STILL THERE  
13 AT THE HOSPITAL, AND YOU WILL BE ABLE TO DETERMINE FROM  
14 LISTENING TO THE -- WELL, IT'S A VIDEOTAPE, BUT THERE'S ONLY  
15 AUDIO THAT HE WAS STILL THERE, BUT I'M CONCERNED ABOUT THE GAP  
16 IN THE RECORD AS TO WHERE HE WAS AT PRIOR TO THAT.

17 SO I WOULD LIKE THE OPPORTUNITY TO CONSULT WITH THE  
18 GOVERNMENT AND/OR POSSIBLY CALL SOMEBODY TO ESTABLISH HIS  
19 WHEREABOUTS. I THINK HE WAS SITTING IN THE BACK OF A POLICE  
20 CAR FOR MOST OF THAT TIME, AND THAT I WOULD BE ABLE TO ARGUE  
21 THAT HE WAS IN CUSTODY ALL THAT TIME PERIOD, BUT THE MORE  
22 GERMANE ISSUE IS WHETHER HE WAS IN CUSTODY AT THE TIME OF THE  
23 STATEMENTS THAT WE'RE TAKEN BY DUSTIN CARTER.

24 THE COURT: OKAY. I'VE NOT HAD THE BENEFIT OF  
25 ANYTHING FROM THAT STATEMENT. IT SOUNDS LIKE HE WAS SOMEWHERE

1 AT THE HOSPITAL, RIGHT?

2 MS. PERDEW SILAS: YES, JUDGE, AND IT SOUNDS LIKE HE  
3 WAS MAKING A TRANSITION FROM BEING INSIDE THE HOSPITAL TO --  
4 BUT I DON'T THINK HE WAS FREE TO LEAVE. SO I WOULD ASK TO BE  
5 ABLE TO CALL DEPUTY CARTER.

6 WE DO HAVE, I MEAN WE DO HAVE THE BENEFIT OF HAVING  
7 THE ACTUAL EXCHANGE BETWEEN HIM AND MR. GIBBS ON TAPE, BUT  
8 SINCE I BELIEVE I'LL BE ARGUING WITH RESPECT TO CUSTODY STATUS,  
9 I WOULD LIKE LEAVE TO BRING HIM IN ON A DIFFERENT DAY.

10 I WAS PERFECTLY FINE WITH BEING HAPPY WITH THE  
11 GOVERNMENT NOT PUTTING ON A FULL RECORD AND I CAN ARGUE FROM  
12 THAT, BUT ON REFLECTION --

13 THE COURT: I MEAN I'M NOT TELLING YOU NO, AND I'M  
14 NOT TELLING YOU YES RIGHT YET EITHER BECAUSE MR. BUCHANAN STOOD  
15 UP BECAUSE HE'S GOING TO HAVE SOMETHING TO ADD HERE.

16 LET ME JUST -- YOU KNOW HOW THESE THINGS GO. WE'VE  
17 GOT TO WAIT ON THE TRANSCRIPT, AND THEN YOU'VE GOT SOME TIME TO  
18 BRIEF IT UP. MY INCLINATION IS THIS IS A TWO-FOLD ISSUE.  
19 NUMBER ONE IS WHO IS THIS, AND IS IT JUST ONE PERSON, AND I  
20 THINK THAT'S SOMETHING MR. BUCHANAN CAN PROBABLY RUN DOWN BY  
21 THE CLOSE OF BUSINESS TODAY.

22 YOU ALL CAN PROBABLY TELL EITHER FROM BEING UP HERE  
23 OR JUST WATCHING HOW WE'VE LET THIS THING FLOW TODAY IS I  
24 TYPICALLY ALLOW YOU ALL SOME LATITUDE TO BRING WHATEVER YOU  
25 THINK YOU NEED TO GET YOUR HANDS ON IN HERE FOR ME TO MAKE

1 THESE DECISIONS.

2           HAVING SAID THAT, THIS PARTICULAR HEARING HAS BEEN  
3 KIND OF A BEAR TO GET SCHEDULED, YOU KNOW, ALL THIS WENT DOWN  
4 THE FRIDAY BEFORE THE SUPER BOWL, AND WE'RE READY FOR THE  
5 SECOND PRESEASON GAME. SO WHAT I'M TELLING YOU IS IF WE'RE  
6 GOING DO ANYTHING ELSE, AND I'M NOT DECIDING THAT RIGHT NOW  
7 BECAUSE I'M NOT SURE YOU'RE REALLY ASKING ME QUITE YET UNTIL  
8 YOU HEAR IT'S JUST ONE GUY OR IF THERE'S TWO DIFFERENT FELLOWS  
9 OVER THERE, BUT IF YOU'RE GOING TO ASK FOR THAT, TALK TO THE  
10 GOVERNMENT AND SEE IF THEY'LL AGREE TO IT, AND THEN COME AT ME  
11 WITH LIKE A LASER LIKE EFFICIENCY OF WE'RE GOING TO GET OVER  
12 HERE FOR THIS ONE WITNESS AND WE'RE GOING TO SQUEEZE IT IN,  
13 WE'RE GOING TO COME OVER HERE AND GET THIS DONE. WE'RE NOT  
14 GOING TO HOLD UP THE BRIEFING PROCESS MUCH.

15           MS. PERDEW SILAS: OKAY. YES.

16           THE COURT: BECAUSE IF WE'RE GOING TO HAVE A LITTLE  
17 BITTY SHORT TRANSCRIPT THAT WE DEVELOP IN THE NEXT WEEK OR TWO,  
18 YOU KNOW, CANDIDLY, AND I DON'T WANT TO PRESUME THE  
19 AVAILABILITY TOO MUCH OF SOME OF THE FANNIN COUNTY LAW  
20 ENFORCEMENT FOLKS, BUT MY THOUGHT IS COMPARED TO SOME PEOPLE  
21 THEY WOULD BE EASIER TO GET HERE THAN OTHERS THAT WE MIGHT HAVE  
22 A HARD TIME TRACKING.

23           MS. PERDEW SILAS: YES, JUDGE.

24           THE COURT: THE WAY I'M LEAVING IT, I THINK, I'M  
25 GOING TO LET MR. BUCHANAN TALK, I'M JUST TELLING YOU HOW IT

1 STRIKES ME IS AT THIS PRECISE SECOND YOU HAVEN'T YET ASKED TO  
2 TALK TO THIS GUY BECAUSE YOU DON'T KNOW RIGHT NOW IF IT'S ONE  
3 GUY OR TWO, RIGHT?

4 MS. PERDEW SILAS: BUT I DO WANT TO TALK TO HIM. I  
5 THINK IT'S PROBABLY ONE.

6 THE COURT: I TEND TO THINK THAT'S PROBABLY RIGHT,  
7 TOO, BUT WE DON'T KNOW.

8 MS. PERDEW SILAS: I EITHER WANT TO TALK TO HIM OR  
9 THEM.

10 THE COURT: RIGHT.

11 MS. PERDEW SILAS: YEAH, I DO WANT TO TALK TO HIM.

12 THE COURT: RIGHT. OKAY. YOU DEFINITELY WANT TO DO  
13 IT.

14 OKAY. MR. BUCHANAN, MAYBE YOU CAN TELL ME IF YOU  
15 THINK THIS IS NOT APPROPRIATE AND CONVINCE ME THAT MY  
16 INCLINATION IS WRONG.

17 MR. BUCHANAN: YOUR HONOR, IT MAY TAKE A LITTLE BIT  
18 OF FACTUAL DEVELOPMENT, BUT JUST LOOKING AT DEFENDANT'S EXHIBIT  
19 1, IT NOTES THAT THAT RECORDING WAS MADE WHILE IT SAYS TIME OF  
20 THE RECORDING MR. GIBBS WAS SEEKING MEDICAL TREATMENT AT THE  
21 FANNIN COUNTY SHERIFF'S OFFICE.

22 AS I POINTED OUT EARLY, THE DEFENDANT HAS FILED A  
23 MOTION TO SUPPRESS EVIDENCE RESULTING FROM AN UNLAWFUL HIPAA  
24 DISCLOSURE. SO IT SOUNDS LIKE TO ME THAT ANY STATEMENT THAT HE  
25 MADE WHETHER OR NOT FANNIN COUNTY OFFICER CARTER OR CARDER WAS



1 PRESENT WOULD BE WHILE HE WAS SEEKING MEDICAL ATTENTION, AND  
2 THAT INFORMATION WAS THEN RELAYED BACK TO LAW ENFORCEMENT, AND  
3 THAT'S WHAT I MENTIONED TO THE COURT AT THE OUTSET. THAT'S  
4 COVERED BY A CFR, SO I DON'T BELIEVE -- WE'RE FINE WITH -- I  
5 ENJOY COMING UP HERE. SO I'M FINE TO COME UP HERE FOR ANOTHER  
6 HEARING, BUT I BELIEVE THAT MY ARGUMENT WILL BE, EVEN AFTER WE  
7 FIGURE OUT EXACTLY WHO IT IS AND WHAT WAS SAID, THAT THAT  
8 INFORMATION IS NOT SUPPRESSIBLE BECAUSE THAT INFORMATION AND  
9 THE DISCOURSE ABOUT THE MEDICAL TREATMENT IS NOT SUPPRESSIBLE  
10 AND SUBJECT --

11 THE COURT: AND I THINK FROM MS. PERDEW SILAS'  
12 PERSPECTIVE THERE'S TWO ISSUES. THERE'S THAT, AND THEN THERE'S  
13 THE ISSUE OF WHETHER SHE CAN ARGUE HE WAS IN CUSTODY FROM  
14 THE -- WITHIN MOMENTS FROM WHEN HE ROLLED INTO THE FACILITY.

15 MR. BUCHANAN: OKAY.

16 THE COURT: SO THAT'S WHY I'M INCLINED TO LET HER DO  
17 IT, BUT LET ME BE CLEAR. I'M INCLINED TO LET HER DO IT PRETTY  
18 QUICK. WE GOT WHAT APPEARS TO BE SOME GOOD NEWS. WE HAD A  
19 CASE WE WERE GOING TO TRY AT THE END OF THIS MONTH THAT WAS  
20 GOING TO TAKE UP A WHOLE WEEK THAT I KNOW WE MAY HAVE SCHEDULED  
21 THIS AROUND, AND THAT APPARENTLY HAS SETTLED.

22 SO, YOU KNOW, TO INVOKE THE FOOTBALL CALENDAR AGAIN,  
23 IF WE'RE GOING TO DO THIS THING, I WANT TO DO IT BEFORE THE  
24 REGULAR SEASON KICKS OFF, YOU KNOW, LET'S GET IT DONE THIS  
25 MONTH, FIGURE OUT WHO WE GOT, AND YOU ALL GET WITH MS. KLIMENKO

1 AND GET ON BACK UP HERE SO THAT WE CAN OUR TRANSCRIPTS DONE IN  
2 A REASONABLE AMOUNT OF TIME.

3 MR. BUCHANAN: YES, YOUR HONOR.

4 THE COURT: AND SINCE IT LOOKS LIKE WE'RE GOING TO  
5 VISIT SOME MORE ON THIS THING PROBABLY, UNLESS YOU ALL  
6 STIPULATE TO SOMETHING, ORDINARILY I'D WAIT AND TELL YOU ALL  
7 WHAT I THINK ABOUT A BRIEFING SCHEDULE, BUT I THINK IT MIGHT BE  
8 PRUDENT TO GO AHEAD AND DO IT JUST IN CASE IN THE COURSE OF THE  
9 RIDE HOME FROM THE COURTHOUSE WHERE YOU ALWAYS GET YOUR BEST  
10 IDEAS YOU ALL FIGURE OUT MAYBE WE DON'T NEED TO DO THIS.

11 IF MY MEMORY IS CORRECT, I THINK MS. PERDEW SILAS IS  
12 ONE OF THOSE WHO LIKES THE OPPORTUNITY TO AMEND UP EVEN WHEN  
13 IT'S THE GOVERNMENT'S BURDEN. AM I REMEMBERING THAT RIGHT THAT  
14 YOU'D LIKE THE FIRST CRACK AT AN AMENDED BRIEF SO YOU CAN HAVE  
15 THE LAST WORD?

16 MS. PERDEW SILAS: YES, JUDGE.

17 THE COURT: OKAY. I WOULD BE INCLINED ONCE THE  
18 TRANSCRIPTS ARE DONE TO GIVE YOU 21 DAYS FROM THAT TIME TO GET  
19 YOUR BRIEF FILED, GIVE THE GOVERNMENT 21 DAYS TO RESPOND AND A  
20 14 DAY PERIOD TO REPLY.

21 AND I'LL -- I WAS WHINING A LITTLE BIT ABOUT HOW LONG  
22 IT TOOK US TO GET THIS SCHEDULED, BUT I WILL TELL YOU ALL IF  
23 YOU RUN INTO SOME SIGNIFICANT HARDSHIPS OR CONFLICTS DURING  
24 THAT BRIEFING SCHEDULE TIME, HOLLER AT US AND GET ANOTHER WEEK  
25 OR SOMETHING SQUEEZED IN THERE IF YOU NEED IT.

1 DOES EVERYBODY UNDERSTAND THE BRIEFING SCHEDULE?

2 MR. BUCHANAN: YES, YOUR HONOR.

3 MS. PERDEW SILAS: YES, JUDGE.

4 THE COURT: ALL RIGHT. AND I WOULD ENCOURAGE YOU,  
5 MR. BUCHANAN, IF YOU CAN, TO TRY TO RUN DOWN WHO IS IT OR WHO  
6 ARE THEY IN THE NEXT -- TODAY OR TOMORROW IF YOU CAN GET THAT  
7 DONE, AND THEN WE CAN START LOOKING AT WHEN WE CAN GET BACK UP  
8 HERE, AND I APPRECIATE YOUR KIND WORDS SAYING YOU LIKE TO COME  
9 UP HERE.

10 ANYTHING FURTHER FROM THE GOVERNMENT?

11 MR. BUCHANAN: I HOPE TO HAVE THAT DONE BEFORE WE  
12 LEAVE, SO WE'LL RELAY THAT INFORMATION TO MS. SILAS AS SOON AS  
13 I GET IT.

14 THE COURT: MS. PERDEW SILAS, HAVE YOU GOT ANYTHING  
15 ELSE FOR ME?

16 MS. PERDEW SILAS: NO, JUDGE.

17 THE COURT: OKAY. THANK YOU, ALL.

18 (PROCEEDINGS CONCLUDED.)

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C-E-R-T-I-F-I-C-A-T-E

3

4 UNITED STATES OF AMERICA

5 NORTHERN DISTRICT OF GEORGIA

6

7

I, ANDRE G. ASHLEY, DO HEREBY CERTIFY THAT I AM A

8

U.S. DISTRICT REPORTER FOR THE NORTHERN DISTRICT OF GEORGIA,

9

THAT I REPORTED THE FOREGOING AND THE SAME IS A TRUE AND

10

ACCURATE TRANSCRIPTION OF MY MACHINE SHORTHAND NOTES AS TAKEN

11

AFORESAID.

12

IN TESTIMONY WHEREOF I HAVE HEREUNTO SET MY HAND ON

13

THIS 25TH DAY OF AUGUST, 2017.

14

15

16

17

18

S/ ANDRE G. ASHLEY

19

ANDRE G. ASHLEY

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OFFICIAL COURT REPORTER

NORTHERN DISTRICT OF GEORGIA

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